

## **APPENDIX A**

### **Definitions**

1. **Terms Defined.** Words contained in this Appendix A are those having a special meaning relative to the purposes of this Ordinance. Words not listed in this section shall be defined by reference to: (1) Chapter 2 of the State Building Code (Standard Building Code, 1997) or, if not defined therein, in (2) the Webster's Third New International Dictionary, unabridged, 1993, which documents are hereby incorporated by reference as if set forth in their entirety herein. Words and terms not defined in this Appendix but defined elsewhere in the Unified Development Ordinance shall be given the meanings set forth therein. Particular uses not defined herein shall have the meaning assigned in the Use Matrix and the NAICS Manual (see § 4.6 of this Ordinance).
2. **Word Usage.** In the interpretation of this ordinance, the provisions and rules of this section shall be observed and applied, except when the context clearly requires otherwise:
  - Words used or defined in one tense or form shall include other tenses and derivative forms.
  - Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
  - The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
  - The word "shall" is mandatory.
  - The word "may" is permissive.
  - The word "person" includes individuals, firms, corporations, associations, trusts and any other similar entities.
  - The word "City" shall refer to the City of Kannapolis.
  - The word "Board" shall mean the Board of Adjustment.
  - The words "Planning Commission" shall mean the City Planning Commission.
  - The words "Recorder" and "Recorder of Deeds" shall mean the County Register of Deeds.
  - In case of any difference of meaning or implication between the text of this ordinance and any caption, illustration, or table, the text shall control.
  - All provisions of this ordinance shall be construed to be in addition to all other applicable laws, ordinances and rules of the federal government, the State of North Carolina or the City; and in case of any conflict between this ordinance and any such other law, ordinance or rule, the more restrictive shall prevail.
  - The words "include" and "including" mean include or including by way of illustration and not by way of limitation.

**ABANDONMENT** - The relinquishment of property, or cessation of the use of property, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

**ABUT-** Having property or District lines in common.

**ABUTTING PARCELS** - Parcels which are directly touching and have common parcel boundaries. (Parcels across a public right-of-way shall not be considered abutting.)

**ACCESSIBLE** - Having access to, but which first may require the removal of a panel, door or similar covering of the item described. See Accessible, Readily. (Source: North Carolina State Building Code, Vol. 1, § 202 and Vol. VII, § 202).

**ACCESSIBLE, READILY** - Having direct access without the need of removing any panel, door or similar covering of the item described, and without requiring the use of portable ladders, chairs, etc. See Accessible. (Source: North Carolina State Building Code, Vol. 1, § 202 and Vol. VII, § 202).

ACCESSORY – see Accessory Use.

ACCESSORY APARTMENT – see Accessory Dwelling.

ACCESSORY DWELLING - A Dwelling Unit that is accessory, supplementary, and secondary to the principal Dwelling Unit that may be constructed as an addition to the principal structure or as an accessory to the principal structure. An Accessory Dwelling is detached from the principal Dwelling Unit. See § 5.3 of this Ordinance.

ACCESSORY STRUCTURE (Appurtenant Structure)- A building or other structure, the use of which is incidental to that of the main building and which is located on the same parcel of property and is customarily used in connection with the main building or other structure. Accessory structures are subordinate in size to the principal (main) building. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

ACCESSORY USE - A subordinate Use of a Building or other Structure, or Use of land which is:

1. conducted on the same Lot as the principal Use to which it is related, and
  2. clearly incidental to, and customarily found in connection with, such principal Use.
- (See § 5.2 of this Ordinance.)

ADDITION (to an existing building) - An extension or increase in Floor Area or height of a Building or Structure. (Source: North Carolina State Building Code, Vol. 1, § 202)

ADEQUATE EROSION CONTROL MEASURE, STRUCTURE, OR DEVICE - See Sedimentation Control Standards in Article 9.

ADJACENT - All properties immediately contiguous to a development site, including those which are separated from the site only by a road or other right-of-way or easement.

ADJOIN - Touching at some point.

ADMINISTRATIVE DECISION - Any decision on a development application made by an authorized employee or official pursuant to § 3.2 of this Ordinance.

ADMINISTRATOR - The officer charged with the authority and duty to administer this Ordinance pursuant to § 2.1 herein.

ADT - AVERAGE DAILY TRAFFIC

ADULT CARE HOME - An assisted living residence in which the housing management provides 24-hour scheduled and unscheduled personal care services to two or more residents, either directly or, for scheduled needs, through formal written agreement with licensed home care or hospice agencies. Some licensed adult care homes provide supervision to persons with cognitive impairments whose decisions, if made independently, may jeopardize the safety or well-being of themselves or others and therefore require supervision. Medication in an adult care home may be administered by designated, trained staff. Adult care homes that provide care to two to six unrelated residents are commonly called family care homes. As distinguished from a nursing home, an "adult care home" means a facility operated as a part of a nursing home and which provides residential care for aged or disabled persons whose principal need is a home with the shelter or personal care their age or disability requires. Medical care in an adult care home is usually occasional or incidental, such as may be required in the home of any individual or family, but the administration of medication is supervised. Continuing planned medical and nursing care to meet the resident's needs may be provided under the direct supervision of a physician, nurse, or home health agency. Adult care homes are to be distinguished from nursing homes. Adult care homes and family care homes are subject to licensure by the Division of Facility Services. Includes any "Adult Care Home" as defined

by NCGS § 131D-2, NCGS § 131D-20, NCGS § 131E-76, § 131E- 101 (including any "combination home").

**ADVANCEMENT OF CAPACITY** - The provision, by an Applicant for development approval or any other entity or person, of a Public Facility, or funding sufficient to ensure the acquisition of any necessary right-of-way and construction of a Public Facility, prior to the scheduled date of construction of the Public Facility in the Capital Improvements Program.

**AFFILIATE** - A person that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control of, another person.

**AGGRIEVED PERSON** - The City Council, the Planning Commission, or the Administrator; a county or municipality within an area designated as a joint planning area; applicants, and persons, businesses, corporations, institutions, governments or other entities owning property or residing within one thousand (1,000) feet from the exterior boundaries of a proposed development; and any other person having standing to challenge a development order pursuant to North Carolina law.

**AGRICULTURE** - The commercial production, storage, processing, marketing, distribution or export of any agronomic, floricultural, horticultural, viticultural, silvicultural or aquacultural crop including, but not limited to, farm products, livestock and livestock products, poultry and poultry products, milk and dairy products, fruit and other horticultural products, and seafood and aquacultural products. (Source: the "North Carolina Agricultural Finance Act, NCGS § 122D-3)

**AGRICULTURAL ANIMALS** - The following animals are considered accessory agricultural animals to an agricultural use, whether used for personal enjoyment or for commercial purposes: horses, mules, burros, sheep, cattle, rabbits, chickens, ducks, geese, pigs, goats, ostrich, emu or rhea.

**AGRICULTURAL CONSERVATION EASEMENT** - A negative easement in gross restricting residential, commercial, and industrial development of land for the purpose of maintaining its agricultural production capability. Such easement: (1) May permit the creation of not more than three lots that meet applicable county zoning and subdivision regulations; and (2) Shall be perpetual in duration, provided that, at least 20 years after the purchase of an easement, a county may agree to reconvey the easement to the owner of the land for consideration, if the landowner can demonstrate to the satisfaction of the county that commercial agriculture is no longer practicable on the land in question. (Source: NCGS § 106- 744, The Farmland Preservation Enabling Act)

**AGRICULTURAL LAND** - Land that is a part of a farm unit that is actively engaged in the commercial production or growing of crops, plants, or animals under a sound management program. Agricultural land includes woodland and wasteland that is a part of the farm unit, but the woodland and wasteland included in the unit shall be appraised under the use-value schedules as woodland or wasteland. A farm unit may consist of more than one tract of agricultural land, but at least one of the tracts must meet the requirements in NCGS 105-277.3(a)(1), and each tract must be under a sound management program. Sound management program. -- A program of production designed to obtain the greatest net return from the land consistent with its conservation and long-term improvement. (Source: NCGS § 105-277.2).

**AGRICULTURAL PRODUCE** - Fruit, vegetables, eggs and honey prior to processing of any kind other than washing. Canned fruits or vegetables, preserves, wine, meat and dairy products shall not be considered agricultural produce for the purposes of this Ordinance.

**AIRPORT AND RELATED USES** - Any public or private airport including terminal buildings, towers, runways, and other facilities directly pertaining to the operation of the airport.

**ALLEY** - Any public space or thoroughfare 20 feet (6096 mm) or less wide which has been dedicated or deeded for public use. (Source: North Carolina State Building Code, Vol. 1, § 202)

**ALTER or ALTERATION** - Any change or modification in construction or occupancy. (Source: North Carolina

State Building Code, Vol. 1, § 202)

**AMBULATORY SURGICAL FACILITY** - A facility designed for the provision of an ambulatory surgical program.

An ambulatory surgical facility serves patients who require local, regional or general anesthesia and a period of post-operative observation. An ambulatory surgical facility may only admit patients for a period of less than 24 hours and must provide at least one designated operating room and at least one designated recovery room, have available the necessary equipment and trained personnel to handle emergencies, provide adequate quality assurance and assessment by an evaluation and review committee, and maintain adequate medical records for each patient. An ambulatory surgical facility may be operated as a part of a physician or dentist's office, provided the facility is licensed under NCGS Chapter 131E, Article 6, Part D, but the performance of incidental, limited ambulatory surgical procedures which do not constitute an ambulatory surgical program and which are performed in a physician or dentist's office does not make that office an ambulatory surgical facility. Includes any "ambulatory surgical facility" as defined in NCGS § 131E-146 or NCGS § 131E-176.

**AMENDMENT** - An amendment to the Unified Development Ordinance or a new Unified Development Ordinance.

**AMERICAN STANDARD FOR NURSERY STOCK** - The publication entitled "American Standard for Nursery Stock" (ANSI Z60.1-1996), approved November 6, 1996, published by the American Nursery and Landscape Association ("ANLA")(formerly the American Association of Nurserymen), which document is hereby incorporated by reference as if set forth in its entirety herein. Said document may be obtained by contacting ANLA at 1250 I Street NW, Suite 500, Washington, D.C. 20005 (202/789-2900).

**AMPLITUDE** - The maximum displacement of the surface of the earth from its normal resting position. Amplitude is generally measured in inches or miles.

**AMUSEMENT ARCADE** - A primarily indoor structure, open to the public, that contains coin-operated games, rides, shows, and similar entertainment facilities and devices.

**AMUSEMENT PARK** - A primarily outdoor or open facility, that may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, buildings for shows and entertainment, and restaurants and souvenir sales.

**ANIMAL UNIT ("AU")** - A unit of measurement to compare various animal types based upon equivalent waste generation. One animal unit equals the following: 1.0 beef feeder or slaughter animal; 0.5 horse; 0.7 dairy cow; 2.5 swine weighing over 55 pounds; 15 swine under 55 pounds; 10 sheep; 30 laying hens; 55 turkeys; 100 broiler chickens or an equivalent animal unit. The total animal units located on a given parcel or Animal Operation shall be determined by adding the Animal Units for each animal type. (Sources: 40 C.F.R. 122.23; 15A NCAC 2H.0217(a)(1)(A))

**ANIMAL CLINIC** - Facility for the medical care and treatment of animals under the supervision of a licensed veterinarian with no outdoor accommodations for the temporary boarding of animals.

**ANIMAL HOSPITAL** – see Animal Clinic.

**ANIMAL OPERATION** - Any agricultural farming activity involving 250 or more swine, 100 or more confined cattle, 75 or more horses, 1,000 or more sheep, or 30,000 or more confined poultry with a liquid animal waste management system. Public livestock markets or sales regulated under Articles 35 and 35A of Chapter 106 of the NCGS shall not be considered animal operations for purposes of this Ordinance. (Source: NCGS § 143- 215.10B)

**ANIMAL REGULATIONS** - See § 5.4 of this Ordinance.

**ANIMAL SHELTER** - A facility which is used to house or contain animals and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection and humane treatment of animals.

(Source: NCGS § 19A-23)

**ANIMAL WASTE** - Livestock or poultry excreta or a mixture of excreta with feed, bedding, litter, or other materials from an animal operation. (Source: NCGS § 143-215.10B) includes Liquid residuals resulting from an animal operation that are collected, treated, stored, or applied to the land through an animal waste management system. (Source: NCGS § 90A-47.1)

**ANIMAL WASTE MANAGEMENT SYSTEM** - A combination of structures and nonstructural practices serving a feedlot that provide for the collection, treatment, storage, or land application of animal waste. (Source: NCGS § 143-215.10B)

**APARTMENT HOUSE** - Any Building or portion thereof used as a Multiple Dwelling for the purpose of providing three or more separate Dwelling Units which may share means of egress and other essential facilities. (Source: North Carolina State Building Code, Vol. 1, § 202)

**APIARY** - Bees, comb, hives, appliances, or colonies, wherever they are kept, located, or found. (Source: NCGS § 106-635)

**APPEAL** - A request for a review of the Administrator's interpretation of any provisions of this Ordinance or a request for a determination that there is error in an order, requirement or decision made by the Administrator pursuant to this Ordinance.

**APPLICANT** - Any person, firm, partnership, joint venture, association, corporation, group or organization applying for an Application for Development Approval.

**APPLICATION FOR DEVELOPMENT APPROVAL OR "APPLICATION"** - A written request for any approval, permit, or action required by this Ordinance, including any written request for approval or issuance of a development order or development permit. This includes such terms as "proposals" and "requests."

**ARCHITECT** - A person who is duly licensed to practice architecture by the North Carolina Board of Architecture. (Source: NCGS § 83A-1)

**ARCHITECTURAL TRIM** - The ornamental or protective framing or edging around openings or at corners or eaves and other architectural elements attached to the exterior walls of buildings, usually of a color and material different from that of the adjacent wall surface, and serving no structural purpose. (Source: North Carolina State Building Code, Vol. 1, § 202)

**AREA, BUILDING** - The area included within surrounding exterior walls, or exterior walls and fire walls, exclusive of courts. The area of a building or portion of a building without surrounding walls shall be the usable area under the horizontal projection of the roof or floor above. (Source: North Carolina State Building Code, Vol. 1, § 202)

**AREA, GROSS FLOOR** - The area within the inside perimeter of the exterior walls with no deduction for corridors, stairs, closets, thickness of walls, columns or other features, exclusive of areas open and unobstructed to the sky. (Source: North Carolina State Building Code, Vol. 1, § 202)

**AREA, NET FLOOR** - The area actually occupied or intended to be occupied even though at any given time a portion of such floor area may be unoccupied, not including accessory unoccupied areas such as corridors, stairs, closets, thickness of walls, columns, toilet room, mechanical area or other features. (See: North Carolina State Building Code, Vol. 1, § 202)

**AREA OF SHALLOW FLOODING** – A designated Zone AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD - see SPECIAL FLOOD HAZARD AREA (SFHA)

ASSISTED LIVING RESIDENCE - Any group housing and services program for two or more unrelated adults, by whatever name it is called, that makes available, at a minimum, one meal a day and housekeeping services and provides personal care services directly or through a formal written agreement with one or more licensed home care or hospice agencies. "Assisted Living Residence" includes any nursing service exceptions authorized by the North Carolina Department of Human Resources on a case-by-case basis. Settings in which services are delivered may include self-contained apartment units or single or shared room units with private or area baths. Assisted living residences are to be distinguished from nursing homes subject to provisions of NCGS 131E-102. There are three types of assisted living residences: Adult Care Homes, Group Homes (for developmentally disabled adults), and Multi-Unit Assisted Housing with services. (Source: NCGS § 131D-2). Includes any "Assisted Living Residence" as defined by NCGS § 131D-2 or NCGS § 131D-20.

ATRIUM - A space, intended to occupancy within a building, extending vertically through the building and enclosed at the top. (Source: North Carolina State Building Code, Vol. 1, § 202)

AUCTION SALES ESTABLISHMENT - Any place where items are sold at auction to the highest bidder.

AUDITORIUM - A room, hall, or building, that is a part of a church, theater, school, recreation building, or other building assigned to the gathering of people as an audience to hear lectures, plays and other presentations. See also "Places of Public Assembly."

AUTHORIZED AGENT - Any person with valid authority provided by the Owner, as evidenced by a notarized document authorizing the Agent to represent the Owner, and acting on behalf of the Owner of land seeking a development order or development permit approval.

AUTOMOBILE GRAVEYARD - See "Junkyard."

AUTOMOBILE REPAIR, MAJOR - An establishment engaged in engine rebuilding or reconditioning of automobiles, the removal from any vehicle of a major portion thereof including, but not limited to, the differential, transmission, head, engine block, or oil pan, worn or damaged motor vehicles or trailers, including body, frame or fender straightening or repair, and/or the painting of vehicles.

AUTOMOBILE REPAIR, MINOR - An establishment engaged in the sale of automotive fuels or oils, and the incidental repair and replacement of parts and motor services to automobiles, including oil change, tire sales, and alignment, but not including any operation specified under "Automobile Repair, Major."

AUTOMOBILE SALES ESTABLISHMENT - An open area used for the display, sale or rental of new and/or used motor vehicles.

AVIGATION EASEMENTS - A document acknowledging airport proximity, limiting the height of structures and granting permission for the conditions arising from the overflight of aircraft in connection with the operation of an airport.

AWNING - An architectural projection that provides weather protection, identity and/or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid or retractable skeleton structure over which an approved cover is attached. (Source: North Carolina State Building Code, Vol. 1, § 202)

BALCONY, ASSEMBLY ROOM - That portion of the seating space of an assembly room, the lowest part of which is raised 4 ft (1219 mm) or more above the level of the main floor. (Source: North Carolina State Building Code, Vol. 1, § 202)

BALCONY (EXTERIOR) - An exterior floor system projecting from a structure and supported by that structure, with

no additional independent supports. (Source: North Carolina State Building Code, Vol. VII, § 202).

<sup>(1)</sup>BAR/NIGHTCLUB - Premises used primarily for the sale or dispensing of alcoholic beverages by the drink for on-site consumption and where food may be available for consumption as an accessory use.

BASE COURSE - The layer of material that lies immediately below the wearing surface of a street pavement.

BASE FLOOD - The flood having a one (1) percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE) – A determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a SPECIAL FLOOD HAZARD AREA, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the FREEBOARD, establishes the REGULATORY FLOOD PROTECTION ELEVATION.

BASEMENT - That portion of a building which is partly or completely, or having a floor, below grade on all sides (see "Story above grade"). (Source: North Carolina State Building Code, Vol. 1, § 201.2 and Vol. VII, § 202).

BEACON - Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

BED AND BREAKFAST INN - A business of not more than 12 guest rooms that offers bed and breakfast accommodations to at least nine but not more than 23 persons per night for a period of less than one week, and that:

- a. Does not serve food or drink to the general public for pay;
- b. Serves only the breakfast meal, and that meal is served only to overnight guests of the business;
- c. Includes the price of breakfast in the room rate; and is the permanent residence of the owner or the manager of the business.

(Source: NCGS § 130A-247). See § 5.7 of this Ordinance.

BERM - A mound of earth designed so that slope drainage is directed away from a paved area and sidewalks which serves as a screen or bufferyard with landscaping.

BEST MANAGEMENT PRACTICES (BMPs) - Methods, measures, practices, schedules of activities, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. With regard to construction these may include structural devices or nonstructural practices that are designed to prevent pollutants from entering water or to direct the flow of water. Economic, institutional and technical factors shall be considered in developing best management practices.

BICYCLE - A device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than sixteen (16) inches in diameter or having three wheels in contact with the ground any of which is more than sixteen (16) inches in diameter.

BICYCLE FACILITIES - A general term denoting improvements and provisions made or approved by public agencies to accommodate or encourage bicycling, including parking facilities, mapping, and bikeways, and shared roadways not specifically designated for bicycle use.

BICYCLE LANE (BIKE LANE) - A portion of a roadway which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.

BICYCLE PATH - A hard surfaced path for bicycles. This bikeway is physically separated from motorized vehicular traffic by an open space barrier and either within the highway right-of-way or within an independent right-of-

way.

BIG BOX RETAIL – see “Superstore”.

(1) City Council approved 11/24/2003

the two nearest intersecting streets, or nearest  
;, waterways, but not an alley, of such size as

BLOCK FRONTAGE - All property fronting on one side of a street between intersecting or intercepting streets, or between a street and a street right-of-way, water way (wider than thirty feet, 30'), or end of a dead-end street. An intercepting street shall determine only the boundary of the frontage of the side of the street which it intercepts.

BOARD - Unless otherwise indicated in the text, Board shall refer to the City of Kannapolis Board of Adjustment.

BOARDING HOUSE OR ROOMING HOUSE - A building containing a single dwelling unit and three (3) or more rooms where lodging is provided, with or without meals, for compensation. "Compensation" may include money, services or other things of value.

BOARDING KENNEL - A facility or establishment which regularly offers to the public the service of boarding dogs or cats or both for a fee. Such a facility or establishment may, in addition to providing shelter, food and water, offer grooming or other services for dogs and/or cats. (Source: NCGS § 19A-23)

BORROW PIT - An area from which soil or other unconsolidated materials are removed to be used, without further processing, for highway construction and maintenance. (Source: The Mining Act of 1971, NCGS § 74-49)

BUFFERYARD - A strip of land established to protect one type of land use from another land use or to provide screening. Normally, a bufferyard is landscaped and developed in open space areas. See Article 7 of this Ordinance.

BUFFER, EXTERNAL - A Bufferyard along the exterior boundaries of a development which is maintained as open space in order to eliminate or minimize conflicts between such development and adjacent land uses.

BUILDABLE AREA - The portion of a lot which is within the envelope formed by the required yards. See "Yard, Required."

BUILDING - Any structure that encloses a space used for sheltering any occupancy. Each portion of a building separated from other portions by a fire wall shall be considered as a separate building. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

BUILDING AREA - The total areas taken on a horizontal plane at the mean grade level of the principal buildings and all accessory buildings, exclusive of uncovered porches, terraces, steps, roof overhangs, and balconies.

BUILDING ENVELOPE - The three dimensional space occupied by a building, including all eaves, covered porches, breezeways and other portions of the building, but excluding attached decorative walls which are less than or equal to three feet in height.

BUILDING FAÇADE - That exterior side of a building which faces, and is most nearly parallel to, a public or private street. The Façade shall include the entire building walls, including wall faces, parapets, fascia, windows, doors, canopy and visible roof structures of one complete elevation.

BUILDING HEIGHT - A vertical distance from the highest point of a building to grade, measured in accordance with § 4.7 of this Ordinance.

<sup>(1)</sup>BUILDING LINE – A line as determined by meeting the respective front, side, and rear yard setbacks or, in the case



or irregular-shaped lots with less than the minimum lot width at the front setback line (such as cul-de-sac lots), the building line shall be established at the point of the lot where the minimum lot width is met. The Building Line shall be measured with a line perpendicular to the street or property line in front of which no structure may be erected.

**BUILDING, MAIN OR PRINCIPAL** - A building, or buildings, in which the dominant use of the lot on which it is situated is conducted. In any Residential Zoning District, any dwelling other than an Accessory Building shall be deemed to be the main building of the lot on which it is situated.

**BUILDING, MIXED USE** - A Building which contains Dwellings located above the ground floor of an institutional, civic, office, commercial or retail use. Mixed Use Buildings are a common feature of traditional town centers where shop owners lived above ground-floor businesses, and are sometimes referred to as "Live-Work Units." Where a Mixed Use Dwelling is permitted by this Ordinance within a particular district, the ground-floor retail uses are also permitted. See § 4.10 (Traditional Neighborhood Development - TND Infill Uses).

**BUILDING PERMIT** - An authorization to construct a structure as issued by the Cabarrus or Rowan County Building Inspections Department.

**BUILDING, TEMPORARY** - A structure designed, built, created or occupied for short and/or intermittent periods of time, including tents, lunch wagons, dining cars, trailers and other roofed structures on wheels or other supports used for residential business, mercantile, storage, commercial, industrial, institutional, assembly, educational or recreational purposes. For the purpose of this definition, "roof" shall include an awning or other similar covering whether or not it is permanent in nature.

**BUILT-UPON AREA** - That portion of a development that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads and parking areas, recreation facilities, etc. (Note: wooden slatted decks and the water area of a swimming pool are considered pervious.) (Source: 15A NCAC 2H.1002).

**BULK** - The size and shape of buildings, structures, and non-building uses; and the physical relationship of their exterior walls or construction or their location to lot lines and other buildings or structures or other walls or construction of the same building or structure; and all open spaces required in connection with a building or structure. Bulk regulations include regulations dealing with lot area, lot area per dwelling unit, lot frontage, lot width, building height, required yards, courts, usable open space, the ratio of aggregate gross floor area to the area of the lot, spacing between buildings on a single lot, and the length of buildings in a row.

**CALIPER** - A standard trunk diameter measurement for trees taken six inches above ground for up to and including four-inch caliper size and twelve inches above ground for larger sizes. (See Article 7 of this Ordinance.)

**CAMP, THERAPEUTIC** - A residential treatment facility provided in a camping environment which is designed to assist individuals to develop behavioral control, coping skills, self-esteem, and interpersonal skills. (Source: 10 NCAC 14V.5201, 10 NCAC 44E.0002).

**CAMPGROUND** - A plot, parcel, or tract of land upon which two (2) or more Campsites are located, established, or maintained for occupancy by Camping Units as temporary living quarters for recreation, education, or vacation purposes. A Campground includes any Summer Camp or any other land area which is consistent with this definition. A Therapeutic Camp is not considered a "Campground." See § 5.8 of this Ordinance.

**CAMPING UNIT** - Any tent, trailer, cabin, lean-to, Recreational Vehicle, or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education, or vacation purposes.

**CAMPSITE** - Any plot, parcel, or tract, or portion thereof, intended for exclusive occupancy by a Camping Unit.

**CANOPY** - A protective cover over a door, entrance, window, or outdoor service area which is attached to or

cantilevered from a building. Also known as awning. Permanent marquees and porticoes which are designed as a continuous or integral part of the structure shall not be considered canopies. (See Sign Regulations.)

**CAPACITY** - The maximum demand that can be accommodated by a Public Facility without exceeding the Adopted Level of Service.

**CAPITAL IMPROVEMENT** - A public facility with a life expectancy of three or more years, to be owned and operated by or on behalf of the City, a special district, or a private service provider.

**CAPITAL IMPROVEMENT, PLANNED** - A Capital Improvement designed for construction within a period not to exceed six (6) years in a Capital Improvements Program.

**CAPITAL IMPROVEMENTS PROGRAM** - A plan setting forth, by category of public facilities, those capital improvements and that portion of their costs which are attributable to serving new development within designated service areas for such public facilities over a period of specified years. "Capital improvements program" may refer either to the plan for a particular service area or to the aggregation of capital improvements and the associated costs programmed for all service areas for a particular category of public facilities.

**CARNIVAL** - See "Outdoor Event, Temporary."

**CARPORT** - A roofed structure which may be attached or unattached to the principal structure providing space for the storage of one or more motor vehicles and enclosed on not more than three (3) sides by walls.

**CAR WASH** - An establishment that provides washing and cleaning of passenger or recreational vehicles by hand, by use of automated equipment operated by one (1) or more attendants, or by self-service facilities.

**CARRY-OUT FOOD SERVICE** - A business whose principal purpose is the preparation and sale of food or beverages for consumption off-site, such as delicatessens, ice cream stores and hot dog stands, but shall not include liquor stores, restaurants, and drive-through commercial establishments.

**CELLAR** - That portion of a building between floor and ceiling which is partly below and partly above grade, but so located that the vertical distance from grade to floor below is greater than the vertical distance from grade to ceiling.

**CEMETERY** - Any one or a combination of more than one of the following in a place used or to be used and dedicated or designated for cemetery purposes:

- a. A burial park, for earth interment.
- b. A mausoleum.
- c. A columbarium. (Source: NCGS § 65-48. See § 5.9)

**CEMETERY, LICENSED** - Land and facilities used for burial of the dead meeting the requirements of a perpetual care cemetery under State law. Such a facility includes any burial ground, mausoleum, or columbarium operated by a cemetery company and meeting licensing requirements of the State. See § 5.9 of this Ordinance.

**CEMETERY, UNLICENSED** - Land and facilities used for the burial of the dead, including municipal, private family, farm, church or animal cemeteries, which have not been licensed and do not meet the licensing requirements of a perpetual care cemetery under State law. See § 5.9 of this Ordinance.

**CENTERLINE** - The true centerline of a street right-of-way that has been fully dedicated to the required width.

**CENTERLINE OFFSET OF ADJACENT INTERSECTIONS** - The gap between the centerline of streets adjoining a common road from opposite or same sides.

**CENTRAL WATER SYSTEM** - See public Water System.

**CERTIFICATE OF COMPLIANCE** - The certificate issued by the Administrator, indicating that the use or occupancy of, or the connection or provision of utilities to any building or land hereafter created, erected, changed, converted, altered or enlarged in its use or structure is in compliance with all regulation of this Unified Development Ordinance.

**CERTIFICATE OF OCCUPANCY** - The certificate issued by the North Carolina Department of Buildings, indicating that all required building and service systems shall have been inspected for compliance with the Building Code and other applicable laws and ordinances and that the Building, or portion of the Building, may be occupied or used.

**CERTIFICATE OF STORMWATER COMPLIANCE** - The approval for activities that meet the requirements for coverage under a stormwater general permit for development activities regulated by the Stormwater Management provisions of the North Carolina Administrative Code. (Source: 15A NCAC 2H.1002).

**CERTIFY** - A certification by an agency or official, pursuant to this Ordinance, of the existence of some fact or circumstance, whether made in oral or written form, which provides reasonable assurance of the accuracy of the certification.

**CHANGE IN USE** - A change from one principal use of a building or land to another principal use of the building or land whether or not there is an increase in the size of the existing building or extent of the use of the land.

**CHANNEL** - A natural or artificial low-lying area with definite bed and banks, which confines and conducts continuous or periodic flows of water.

**CHEMICAL STORAGE FACILITY** – A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products

**CHILD CARE** - A program or arrangement where three or more children less than 13 years old, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption. Child care does not include the following:

- a) Arrangements operated in the home of any child receiving care if all of the children in care are related to each other and no more than two additional children are in care;
- b) Recreational programs operated for less than four consecutive months in a year;
- c) Specialized activities or instruction such as athletics, dance, art, music lessons, horseback riding, gymnastics, or organized clubs for children, such as Boy Scouts, Girl Scouts, 4-H groups, or boys and girls clubs;
- d) Drop-in or short-term care provided while parents participate in activities that are not employment related and where the parents are on the premises or otherwise easily accessible, such as drop-in or short-term care provided in health spas, bowling alleys, shopping malls, resort hotels, or churches;
- e) Public schools;
- f) Nonpublic schools described in Part 2 of Article 39 of Chapter 115C of the General Statutes that are accredited by the Southern Association of Colleges and Schools and that operate a child care facility as defined in subdivision (3) of this section for less than six and one-half hours per day either on or off the school site;
- g) Bible schools conducted during vacation periods;
- h) Care provided by facilities licensed under Article 2 of Chapter 122C of the General Statutes;
- i) Cooperative arrangements among parents to provide care for their own children as a convenience rather than for employment; and
- j) Any child care program or arrangement consisting of two or more separate components, each of which operates for four hours or less per day with different children attending each component.

(Source: NCGS § 110-86).

**CHILD CARE CENTER** - An arrangement where, at any one time, there are three or more preschool-age children or nine or more school-age children receiving Child Care. Includes family child care homes and any other child care arrangement not excluded by NCGS § 110-86(2), that provides Child Care, regardless of the time of day, wherever operated, and whether or not operated for profit. (Source: NCGS § 110-86. See § 5.16).

**CHILD CARE HOME, FAMILY** - A child care arrangement located in a residence where, at any one time, more than two children, but less than nine children, receive child care. (Source: NCGS § 110-86).

**CHILDREN'S CAMP** - A residential child-care facility which provides foster care at either a permanent camp site or in a wilderness setting. (Source: NCGS § 131D-10.2)

**CHURCH** - See "Religious Institutions."

**CITY COUNCIL** - City Council of Kannapolis, North Carolina.

**CLEANING OR PROCESSING ESTABLISHMENT** - A business that primarily involves the on-site cleaning, treatment, or chemical processing of goods or materials, or the storage of chemicals, used in off-site cleaning, treatment, or processing. This includes, but is not limited to, carpet cleaners, dry-cleaning plants, exterminating services, and taxidermists. This term does not include Dry Cleaning, and Laundry.

**CLINIC OR HEALTH CARE FACILITY** - A building containing an association or group of physicians, dentists, clinical psychologists, and similar professional health care practitioners, including allied professional assistants who are assembled for the purpose of carrying on their professions. The health care facility may include apothecary, dental and medical laboratories, tissue labs, and/or X-ray facilities, but shall not include inpatient care or operating rooms for major surgery.

**CLUSTER DEVELOPMENT OR CLUSTER OPTION DEVELOPMENT** - A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of sensitive and open space areas. See § 4.8 of this Ordinance.

**COLLECTOR STREET** - Streets accessing neighborhoods and routes serving intra-city rather than intra-state travel. A minor amount of through traffic may be carried by a collector street, but the system primarily carries local traffic. Average trip lengths and travel speeds are less than for arterial routes. A collector street includes any street classified as a Major Collector or Minor Collector pursuant to Article 10 and Appendix C of this ordinance.

**COLLEGE OR UNIVERSITY** - An institution providing full-time or part-time education beyond the high school level, including any lodging rooms or housing for students or faculty.

**COMMERCIAL AMUSEMENT, INDOOR** - An establishment offering sports, game playing or similar amusements to the public, including, but not limited to: skating rinks, bowling alleys, billiards, ping pong, mechanical or electronic games, but not gambling or card playing, within a fully enclosed structure. Indoor commercial amusement does not include non-commercial or charitable events.

**COMMERCIAL AMUSEMENT, OUTDOOR** - An establishment that offers games, rides, or other similar activities on a commercial basis in a fixed location, including but not limited to: miniature golf, amusement parks, water slides, amphitheaters, stadia, tracks, and drive-in theaters.

**COMMERCIAL PARKING LOT** - See "Parking Lot."

**COMMERCIAL PARKING STRUCTURE** - See "Parking Structure."

COMMERCIAL STABLE - See "Stable, Commercial."

COMMERCIAL VEHICLE - See "Vehicle, Commercial."

COMMISSION - Unless otherwise indicated in the text, Commission shall refer to the City of Kannapolis Planning and Zoning Commission.

COMMON OWNERSHIP - Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stock owner, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association, but excluding ownership of less than 1% of any stock traded on the New York, American or Pacific Stock Exchanges or traded over-the-counter where the price is listed at least weekly in the Wall Street Journal.

COMMUNITY WATER SYSTEM - See definition of "Public Water System."

COMPREHENSIVE PLAN - A comprehensive plan for development of the City, or any County-wide Comprehensive Plan adopted by the City, pursuant to NCGS §§ 160A-383 and 153A-341, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof. Unless and until a formal Comprehensive Plan is adopted for the City, any applicable Area Plan and/or the Official Zoning Map and the text of this Ordinance shall be considered the Comprehensive Plan.

CONCEPT PLAN - A generalized plan indicating the boundaries of a tract or tracts under common ownership, and identifying proposed land use, land use intensity and thoroughfare alignment.

CONDITIONAL USE - A "conditional use" means a use which, because of its unique or varying characteristics, cannot be properly classified as a permitted use in a particular district. A use is considered a conditional use if designated as such by the Use Matrix of Table 4.6-1.

CONDOMINIUM - The ownership of single units in a multi-unit structure with common areas and facilities. (Source: Unit Ownership Act, NCGS § 47A-3), real estate portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. (Source: North Carolina Condominium Act, NCGS § 47C-1-103)

CONFERENCE AND BANQUET FACILITIES - See "Places of Public Assembly, Indoors."

CONFORMING USE - A use that is permitted within the applicable zoning district (see Use Matrix in Table 4.6-1).

CONNECTIVITY INDEX - The index of the connectivity of a street system prescribed by the Street Improvement Standards of Article 10.

CONSENT AGREEMENT - A regulatory document containing specific conditions of development approval designed to implement the policies and criteria contained in the Unified Development Ordinance and, where the denial or deferral of development approval is disputed by the applicant, to effectuate the public policy favoring the settlement of disputes, which document contains an integrated development scheme for a particular phase or phases of development approval, and contains maps, diagrams and other appropriate materials showing future conditions consistent with the provisions of this Ordinance.

CONSERVE AND CONSERVATION - To use, and the use of, all methods and procedures for the purposes of increasing the number of individuals of resident species of plants up to adequate levels to assure their continuity in their ecosystems. These methods and procedures include all activities associated with scientific resource conservation such as research, census, law enforcement, habitat protection, acquisition and maintenance,

propagation, and transplantation into unoccupied parts of historic range. With respect to endangered and threatened species, the terms mean to use, and the use of, methods and procedures to bring any endangered or threatened species to the point at which the measures provided for the species are no longer necessary. (Source: NCGS § 106-202.12)

**CONSERVATION EASEMENT** - A non-possessory interest of a holder in real property imposing limitations or affirmative obligations for conservation purposes or to preserve the historical, architectural, archaeological or cultural aspects of real property.

**CONSTRUCTION PLAN** - The maps or drawings accompanying a subdivision plat showing the specific location and design of improvements to be installed in the subdivision as a condition of the approval of the plat.

**CONTIGUOUS** - Bordering or adjoining, meeting or joining at the border or surface.

**CONTROLLED-ACCESS FACILITY** - A State highway, or section of State highway, especially designed for through traffic, and over, from or to which highway owners or occupants of abutting property, or others, shall have only a controlled right or easement of access. (Source: NCGS § 136- 89.49)

**CONVENIENCE STORE** - A store offering for sale a limited selection and quantity of groceries and other articles normally found in grocery stores, and which may also offer delicatessen or fast food items, and whose business is mostly dependent on quick stops by its customers. A convenience store operation may also include self-service gasoline sales. See § 5.10 of this Ordinance.

**CONVENTIONAL OPTION DEVELOPMENT** - Any application requesting approval of a development or use within a zoning district other than a PUD, TND or TOD district, and a Cluster development.

**CONVEY** - To transfer all or a part of a title or equitable interest in land; to lease or assign an interest in land; or to transfer any other land interest.

**CORNER LOT** - See "Lot, Corner."

**CORRAL** - A pen or enclosure for confining animals.

**CORRIDOR (building)** - A passageway into which compartments or rooms open and which is enclosed by partitions, other than partial partitions, and/or walls and a ceiling or a floor/roof deck above. (Source: North Carolina State Building Code, Vol. 1, § 202)

**CORRIDOR (road)** - A street or roadway identified as a principal link or gateway within the community.

**COUNTY** - The County of Cabarrus, North Carolina. Where this Ordinance refers to any territory, land area or property within the "County", the term "County" shall include all incorporated and unincorporated areas within Cabarrus County, North Carolina. Where appropriate, the term shall also include any personnel or agent of Cabarrus County.

**COURTYARD** - A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls or a building. (Source: North Carolina State Building Code, Vol. VII, § 202).

**CRITICAL AREAS** - Any lot, parcel or property, or portion thereof, located within the Floodplain Overlay District, the River/Stream Overlay District, or any Watershed Protection Overlay District.

**CROSSWALK** - A public right-of-way used primarily for pedestrians' travel through or across any portion of a block.

**COUNTRY CLUB** - A private club, including country clubs, that provides one (1) or more of the following: indoor and/or outdoor golf, tennis, or swimming facilities, indoor exercise or recreational rooms and equipment; and

which may include a clubhouse with dining and banquet facilities; operated on a private membership basis and restricted to use by members and their guests.

CUL-DE-SAC - A short, dead-end street terminating in a vehicular turn-around area.

CURB FACE - The vertical or shaped portion of a curb, facing the roadway, and designed to direct storm waters.

CURB - A stone, concrete, or other improved boundary marking the edge of the roadway or paved area.

CURB OUTLET SYSTEM - Curb and gutter installed in connection with Stormwater Management, as more particularly defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

CUSTOM MANUFACTURING - An establishment primarily engaged in the on-site production of goods by hand manufacturing that involves only the use of hand tools or domestic mechanical equipment not exceeding two (2) horsepower or a single kiln not exceeding eight (8) kilowatts, and the incidental direct sale to customers of goods produced on the site. Typical custom manufacturing uses include ceramic studios and custom jewelry manufacturing.

CUT, LAND - Land surface which is shaped through the removal of soil, rock or other materials.

DAY CARE - See "Child Care."

DAYS - When used to establish time limits on various processes in this Ordinance, days shall mean business days.

DECISIONMAKER - The agency, official or entity authorized to render a final decision which approves, approves with conditions or denies an application for development approval.

DECLARATION - An instrument, duly recorded, by which the property is submitted to Chapter 47A of the North Carolina General Statutes, and such declaration as from time to time may be lawfully amended. (Source: Unit Ownership Act, NCGS § 47A-3); and any instruments, however denominated, which create a condominium, and any amendments to those instruments. (Source: North Carolina Condominium Act, NCGS § 47C-1-103)

DEDICATION - A gift, by the owner, of his property to another party without any consideration being given for the transfer. The dedication is made by written instrument and is completed with an acceptance.

DE NOVO HEARING - A new hearing. In a de novo hearing, the reviewing agency considers the application as if it originated before it, but may consider the findings of fact, conclusions of law, or recommendations of the agency which previously considered the case.

DENSITY - The total number of dwelling units per acre, computed in accordance with § 4.7 of this Ordinance.

DENSITY, NET - The number of dwelling units divided by the net acreage remaining after subtracting all critical areas and streets.

DEPARTMENT - Unless otherwise noted in the text, Department shall refer to the City of Kannapolis Planning and Community Development Department.

DEVELOPER - A person, firm, partnership, joint venture, association, corporation, groups or organization who shall participate as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development. The owner of land proposed to be subdivided or developed or its authorized agent who is responsible for any undertaking that requires review and/or approval under this Ordinance.

DEVELOPMENT - The division of a parcel of land into two or more parcels; the construction, reconstruction conversion, structural alteration, relocation or enlargement of any structure; any mining, drilling, dredging, filling,

excavation, clearing of roadways or building sites, landfill or land disturbance and any use or extension of the use of land. This definition excludes normal earth working associated with crop farming or landscaping of an individual single family residential lot. The term "development" includes all of the activities listed in the definition of "development" in 15A NCAC 2H.1002, which definition is hereby incorporated by this reference, and any of the following activities:

- a) Change in use.
- b) Construction, clearing, filling, excavating, grading, paving, dredging, mining, drilling or otherwise significantly disturbing the soil of a site.
- c) Building, installing, enlarging, replacing or substantially restoring a structure, impervious surface, or central water system and including the long-term storage of materials.
- d) Erection of a permanent sign.
- e) Any activity increasing the need for parking.
- f) Construction, elimination or alteration of a driveway onto a public street.

**DEVELOPMENT ORDER** - Any action granting, denying or granting with conditions, an application for a development permit.

**DEVELOPMENT PARCEL** - Any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit.

**DEVELOPMENT PERMIT** - Any zoning clearance; building permit; home occupation permit; sign permit; temporary use permit; certificate of occupancy; conditional use permit; preliminary subdivision plat; final subdivision plat or other plat approval; preliminary site plan; final site plan; rezoning (change of zone); Comprehensive Plan amendment; specific plan; or any other official action of the City or any other state or local government commission, board, agency, department or official having the effect of permitting development of land located within the geographic area subject to the provisions of this Ordinance.

**DEVELOPMENT RIGHT** - The potential for the improvement of a parcel of real property, measured in dwelling units for residential uses or equivalent dwelling units for non-residential uses, which exists because of the zoning classification of the parcel.

**DEVELOPMENT SERVICES DEPARTMENT** - The Cabarrus County Development Services Department.

**DIAGNOSTIC CENTER** - A freestanding facility, program, or provider, including but not limited to, physicians' offices, clinical laboratories, radiology centers, and mobile diagnostic programs.

**DIMENSIONAL REGULATIONS** - See § 4.7 of this Ordinance.

**DISPOSAL** - As defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

**DISPOSITION** - A transfer of all or part of a title or equitable interest in land; a lease or an assignment of an interest in land; or any other transfer or conveyance of an interest in land.

**DORMITORY** - A space in a building where group sleeping accommodations are provided with or without meals for persons not members of the same family group, in one room or in a series of closely associated rooms under joint occupancy and single management, as in college dormitories, fraternity houses, military barracks and ski lodges. (Source: North Carolina State Building Code, Vol. 1, § 201.3).

**DRAINAGE AREA OR WATERSHED** - The entire area contributing surface runoff to a single point. (Source: 15A NCAC 2H.1002).



**DRIVE-THROUGH COMMERCIAL ESTABLISHMENT** - A commercial retail or personal service establishment designed or intended to enable a customer in a motor vehicle parked on or moving through the premises to transact business with a person outside the motor vehicle. Such establishments include, but are not necessarily limited to branch banks and fast-food restaurants.

**DRIVEWAY** - A private, vehicular access connecting a house, carport, parking area, garage, or other buildings with the street. A driveway is not a road, street, boulevard, highway, or parkway.

**DUPLEX** - A building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof. A duplex may include: (1) a semidetached dwelling, which is a building containing two dwelling units attached horizontally (see illustration), or (2) a building with two units attached vertically, with one dwelling unit located on top of the other.

**DUST-FREE** - A land surface that is paved in one of the following methods: (1) asphaltic concrete, (2) cement concrete, (3) penetration treatment of bituminous material and a seal coat of bituminous binder and a mineral aggregate or (4) the equivalent of the above.

**DWELLING** - Any building which contains one or more "Dwelling Units" used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or which are occupied for living purposes. (Source: North Carolina State Building Code, Vol. 1, § 201.2 and Vol. VII, § 202).

**DWELLING, ATTACHED** - A building containing two (2) or more residential units, attached along and sharing one (1) or more common walls between any two (2) units, or stacked one (1) above the other, or attached to a non-residential use. An Attached Dwelling includes any Duplex, Triplex, Quadruplex, Townhouse or Rowhouse.

**DWELLING, MIXED USE** - See "Building, Mixed Use."

**DWELLING, MULTIPLE** - A building or portion thereof designed for or occupied as three (3) or more dwelling units.

**DWELLING, SINGLE-FAMILY** - A building designed for occupancy by one (1) family.

**DWELLING, SINGLE-FAMILY DETACHED** - A Single-Family Dwelling Unit that is not attached to any other Dwelling Unit by any means and is surrounded by yards.

**DWELLING UNIT** - A dwelling unit is a single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation. (Source: North Carolina State Building Code, Vol. 1, § 202 and Vol. VII, § 202).

**EASEMENT** - A grant by the property owner for use by the public, a corporation or person(s) of a strip of land for a specific purpose.

**EASEMENT, NON-ACCESS** - An easement prohibiting vehicular access from a public street.

**EFFECTIVE DATE OF THIS ORDINANCE** - The effective date of this Ordinance determined in accordance with Article 1 of this Ordinance.

**ELECTRIC GENERATING FACILITY** - Any plant facilities and equipment for the purposes of producing, generating, transmitting, delivering or furnishing electricity for the production of power. (Source: NCGS § 75A-2)

**ELEMENTARY SCHOOL** - A school which embraces a part or all of the eight elementary grades and which may

have a kindergarten or other early childhood program. (Source: NCGS § 115C-75)

**ELEVATED BUILDING** -A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

**ENCLOSURE RATIO** (Note: this definition is used in § 4.10 TND District only) - The ratio of building height to spaces in front of the building. Buildings serve to spatially define streets. Proper spatial definition is achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ratio of height to width. The condition of alignment occurs when the facades of buildings cooperate to delineate the public space, as walls form a room. Building articulation must take place primarily in the vertical plane or facade. Appendages such as porches, balconies, and bay windows are encouraged to promote the visual transition. The condition of enclosure generated by the height-width ratio of the space is related to the physiology of the human eye. If the width of a public space is such that the cone of vision encompasses less street walls than the opening to the sky, then the degree of spatial enclosure is slight. Ratios not exceeding 1:4 are considered optimal, while a 1:6 height-to-width ratio is the absolute minimum required for appropriate urban spatial definition. See P. Craighead, ed., *The Hidden Design in Land Use Ordinances* (University of Southern Maine, 1991), at 45; R. Arendt, *Rural by Design* (American Planning Association, 1994), at 10-11. An appropriate average ratio is 1:3. As a general rule, the tighter the ratio, the stronger the sense of place. Spatial enclosure is particularly important for shopping streets, which must compete with malls which provide very effective spatial definition. In the absence of spatial definition by facades, disciplined tree planting is an alternative. Trees aligned for spatial enclosure are necessary along thoroughfares with substantial front yards. If Streetscape Landscaping is provided in accordance with the Landscaping Standards of this Ordinance, the Enclosure Ratio shall be measured from the height of the trees at maturity rather than the height of the buildings. For the internal streets or circulation systems of subdivision plats or site plans, the Enclosure Ratio shall be computed by dividing the height of the shortest facing structure by the spaces between the buildings. For development on individual tracts adjoining a public right-of-way and not under Common Ownership with tracts or parcels facing across the right-of-way, the Enclosure Ratio shall apply only to the tract or parcel subject to the Application for Development Approval. Example: A building (Building A) is 15 feet in height and faces a building (Building B) 24 feet in height across a street with a 40-foot right-of-way. Building A is located 15 feet and Building B is located 20 feet from the edge of the right-of-way, producing a building-to-building space of 75 feet. The enclosure ratio is 1:5 ( $15 \div 75 = 1:5$ ). See first "Village Scale" example (illustration). Source: P. Craighead, ed., *The Hidden Design in Land Use Ordinances*. (University of Southern Maine, 1991).

**ENCROACHMENT** – The advance or infringement of uses, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

**ENGINEER** - An Engineer licensed by the State of North Carolina.

**ENGINEER, CITY** – The City of Kannapolis Public Works Director.

**ENHANCEMENT** - Improvement of the functions or an existing wetland system. Enhancement may include improved flood control capacity, increased groundwater recharge capability, increased density and diversity of native wildlife and vegetation, and improved aesthetic values (e.g., by removing non-native impediments, structures, impervious surfaces).

**ENLARGEMENT OR "TO ENLARGE"** - An increase in size or addition to the Floor Area of a Building or Structure, or an increase in the portion of a Building, Structure, or land area occupied by an existing Use.

**ENTRANCE ROAD** - A Street which: (1) leads into a Subdivision, Planned Unit Development, or a Traditional Neighborhood Development, and (2) intersects with a higher order Street.

**EQUIPMENT** - Rolling stock or movable personal property except that, for the purpose of this Ordinance, it shall not

include those items defined as Heavy Equipment.

EQUIVALENT DWELLING UNIT OR "EDU" - See "Equivalent Residential Unit."

EQUIVALENT RESIDENTIAL UNIT OR "ERU" - See Art. 14 "Adequate Public Facilities Standards".

ERECT - To build, construct, attach, hang, place, suspend, affix and/or apply.

EROSION CONTROL - See Article 9 of this Ordinance.

EVIDENCE - Any map, table, chart, contract or other document or testimony prepared or certified that is offered by a person to establish a claim, condition or assertion.

EXCAVATION - The removal of soil, rock or other matter from a land area.

EXISTING CAPACITY - The Capacity of the existing built and operational Public Facilities, as determined by the service provider.

EXISTING DEMAND - See "Public Facilities Standards" of this Ordinance.

EXOTIC ANIMALS - See Other Animals.

EXOTIC SPECIES (PLANT) - A species or higher taxon of plant not native or naturalized in North Carolina but appearing in the Federal Endangered and Threatened Species List or in the appendices to the International Treaty on Endangered and Threatened Species. (Source: NCGS § 106-202.12)

EXTENDED STAY LODGING FACILITY - Any building containing six or more units intended or designed to be used, rented, or hired out to be occupied, or which are occupied for sleeping purposes for guests, and which units contain kitchen facilities for food preparation including, but not limited to, such facilities as refrigerators, stoves and ovens. Extended Stay Lodging Facilities may contain lobbies, conference rooms, meeting rooms, child play areas, and/or restaurants.

EXTRACTIVE USES - Surface and/or subsurface natural resources which may be extracted from the land. This includes exploratory drilling or mining but excludes individual water well drilling.

FAÇADE – See “Building Façade”.

FAMILY - An individual, or two or more persons related by blood, marriage or law, or a group of not more than any five persons living together in a dwelling unit. Servants having common housekeeping facilities with a family consisting of an individual, or two or persons related by blood, marriage or law, are a part of the family for this code. (Source: North Carolina State Building Code, Vol. 1, § 201.2 and Vol. VII, § 202).

FAMILY CARE HOME - An adult care home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six resident handicapped persons. (Source: NCGS § 168-21)

FARM, BONAFIDE - A farm whose purposes include the production of, and activities relating or incidental to the production of, crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry and all other forms of agricultural products having a domestic or foreign market.

FARM BUILDINGS - Structures, other than residences and structures appurtenant thereto, for on-farm use (barns, sheds, poultry houses, etc.). (Source: North Carolina State Building Code, Vol. 1, § 201.3)

**FARM OPERATION** - Any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support. (Source: NCGS § 133-7)

**FARM RELATED BUSINESS** - A business and/or commercial use operated primarily for the support of agricultural needs. It may consist of products, materials, and equipment servicing and sales; storage and/or processing of agricultural products and/or animals; medical and/or technical support services.

**FARMERS MARKET** - A structure or place where agricultural produce is brought for the purposes of retail sales. (Note: A farmers market differs from a produce stand in that there may be more than one (1) seller per parcel of land and the structure from which produce is sold at a farmers market need not be portable or capable of being dismantled or removed from the site.)

**FEED LOT** - A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and either specifically designed as a confinement area in which animal waste may accumulate or where the concentration of animals is such that an established vegetative cover cannot be maintained. A building or lot is not a feedlot unless animals are confined for 45 or more days, which may or may not be consecutive, in a 12-month period. Pastures shall not be considered feedlots for purposes of this Ordinance. (Source: NCGS § 143-215.10B)

**FENCE** - A barrier of man-made construction, regardless of the material used, including walls but not retaining walls. ("material" does not include vegetation.)

**FENCE, LIVING** - A hedge of vegetation used as a screening device or a fence with vegetation growing to it or on it which at the time of maturity would prevent an "open" effect and would block the normal line of sight.

**FENCE, OPEN** - A fence constructed of material which does not interrupt the line of sight, such as split rail, pipe or chain-link fencing and shall not include a living fence.

**FILL** - Deposit of soil, rock, or other material which creates an obstruction or increases surface elevation.

**FINAL PLAT** - A survey map of record which indicates the boundaries for streets, blocks, lots and other property divisions which is prepared pursuant to Article 6 of this Ordinance.

**FINAL SITE PLAN OR FINAL PLAN** - The map of a proposed development to be filed after approval by the decision-making authority and any accompanying material as described in this Ordinance.

**FINANCIAL INSTITUTION** - Any trust company, savings bank, industrial bank, savings and loan association, building and loan association, commercial bank, credit union, federal association, investment company, or other business association, which is chartered under federal or State law, solicits, receives or accepts money or its equivalent on deposit and loans money as a regular business. (Source: NCGS § 116B-10)

**FIRE FLOW SURVEY** - A testing of fire hydrants to determine capacity by volume and pressure for fire fighting purposes.

**FIRE PROTECTION FACILITIES** - Fire stations and major pieces of fire fighting apparatus, including, but not limited to pumpers, quick response vehicles, hook and ladder trucks, and similar equipment, owned and operated by the City of Kannapolis Fire Department or other duly authorized volunteer fire districts.

**FLAG** - Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity. Flags are regulated in accordance with the standards of Article 12 "Sign Regulations".

FLAG LOT - See "Lot, Flag."

FLEA MARKETS - A flea market, swap shop, or similar activity by whatever name, where the use involves the setting up of two or more booths, tables, platforms, racks, or similar display areas for the purpose of selling, buying, or trading merchandise, goods, materials, products, or other items offered for sale outside an enclosed building. Flea markets shall not include any of the following activities which occur at the same location four or fewer days in any calendar year: garage sales, produce stands, or fund raising activities done by a non-profit organization.

FLOOD or FLOODING - A general and temporary condition of partial or complete inundation of normally dry land area from:

- a. The overflow of inland or tidal waters; and/or
- b. The unusual and rapid accumulation of runoff of surface waters from any source

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM) – An official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

FLOOD HAZARD BOUNDARY MAP (FHBM) – An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

FLOOD INSURANCE – The insurance coverage provided under the National Flood Insurance Program.

FLOOD INSURANCE RATE MAP (FIRM) – An official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

FLOOD INSURANCE STUDY (FIS) – The examination, evaluation, and determination of flood hazards, corresponding water surface elevations (where appropriate), flood hazard risk zones, and other flood data in a community issued by FEMA. The FIS Report includes Flood Insurance Rate Maps (FIRMS) and Flood Boundary and Floodway Maps, if published.

FLOOD PRONE AREA – see FLOODPLAIN

FLOODPLAIN – Any land area susceptible to being inundated by water from any source.

FLOODPLAIN ADMINISTRATOR – The individual appointed to administer and enforce the floodplain management regulations.

FLOODPLAIN DEVELOPMENT PERMIT – Any type of permit that is required in conformance with the provisions of Section 4.14, prior to the commencement of any development activity.

FLOODPLAIN MANAGEMENT – The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

FLOODPLAIN MANAGEMENT REGULATIONS – Section 4.14, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applicable applications of police power. This term describes Federal, State or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

FLOODPLAIN VIOLATION – The failure of a structure or other development to be fully compliant with the Community's floodplain management regulations. A structure or other development without the elevation

certificate, other certifications, or other evidence of compliance is presumed to be in violation until such time as that documentation is provided.

**FLOODPROOFING** – Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

**FLOODWAY** – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

**FLOOD ZONE** – A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

**FLOOR AREA** -The sum of the gross horizontal areas of the several stories of the building measured from the exterior faces of the exterior walls or from the center line of party walls. It shall exclude any basement floor, interior balconies and mezzanines, elevator shafts and stair wells and enclosed porches. The floor area of accessory uses and of accessory buildings on the same lot shall be included.

**FLOOR AREA RATIO (FAR)** - The ratio of the gross floor area of all structures on a parcel to the gross area of the parcel on which such structures are located.

**FORESTLAND** - Land that is a part of a forest unit that is actively engaged in the commercial growing of trees under a sound management program. Forestland includes wasteland that is a part of the forest unit, but the wasteland included in the unit shall be appraised under the use-value schedules as wasteland. A forest unit may consist of more than one tract of forestland, but at least one of the tracts must meet the requirements in NCGS 105-277.3(a)(3), and each tract must be under a sound management program.

**FREEBOARD** – The height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The Base Flood Elevation plus the freeboard established the **REGULATORY FLOOD PROTECTION ELEVATION**.

**FRONT** - Any public street frontage, not including alleys.

**FRONTAGE** - The frontage of a parcel of land is that distance where a property line is common with a road right-of-way line.

**FRONTAGE, DOUBLE** - A lot which extends from one street frontage to another street.

**FRONTAGE, FULL** - Frontage which meets the requirements of § 4.7 of this Ordinance.

**FRONTAGE ROAD** - A way, road or street which is auxiliary to and located on the side of another highway, road or street for service to abutting property and adjacent areas and for the control of access to such other highway, road or street. (Source: NCGS § 136-89.49)

**FRONT SETBACK** - The minimum horizontal distance between any Building or Structure and the Front Lot Line.

**FULLY SHIELDED** - "Fully shielded" means that fixtures are shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted, as certified by photometric test report.

**FUNCTIONALLY DEPENDENT FACILITY** – A facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading

of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

**FUNERAL HOME** - An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body, and for funerals.

**GARAGE, PRIVATE** - An accessory building or portion of a principal building designed or used for the parking or temporary storage of motor vehicles of occupants in the building to which such garage is accessory, but not including the parking or temporary storage of delivery or truck motor vehicles having a capacity in excess of one (1) ton.

**GAS STATION** - Buildings and/or surfaced area where motor vehicles may be refueled and/or serviced.

**GRADE** - A reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or between the building and a point 6 feet (1829 millimeters) from the building, whichever is closer to the building. (Source: North Carolina State Building Code, Vol. 1, § 201.2 and Vol. VII, § 202). The term "grade" also includes a reference plan representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or between the building and a point 6 ft. (1829 mm) from the building, whichever is closer to the building. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

**GRADE, FINISHED** - The level of the soil after completion of site development.

**GRADE, NATURAL** - The undisturbed ground level which may be determined by on-site evidence (vegetation, ground level on adjacent land, elevation of adjacent streets and roads, soil types and locations, etc.)

**GREENBELT** - Greenbelts run along the perimeter of a subdivision, Planned Unit Development, or TND, and serve to (1) buffer a neighborhood from surrounding incompatible uses such as a highway corridor or industrial district, and/or (2) provide an edge for the neighborhood. Greenbelts differ from the other types of open spaces in that the natural vegetation and wildlife is undisturbed, or the area is actively cultivated for crops or the raising of Livestock (excluding Concentrated Animal Feeding Operations).

**GREENFIELD DEVELOPMENT** - Development on undeveloped parcels or undeveloped parcels not surrounded by existing development, or on large parcels surrounding partially developed areas or undeveloped areas.

**GREENHOUSE** - An enclosed detached accessory structure consisting primarily of light-transmitting materials and used exclusively for growing plants. (Source: North Carolina State Building Code, Vol. VII, § 202).

**GREENWAY** - A linear area maintained as open space in order to conserve natural and/or cultural resources, and to provide recreational opportunities, aesthetic and design benefits, and linkages between open space and recreational facilities and between these facilities and their users.

**GROSS AREA OR GROSS ACREAGE** - The area of a lot or parcel, including all proposed or dedicated streets, alleys, private accessways, roadway and/or alley easements. Such boundaries shall extend to the center line of an existing abutting street or alley right-of-way. In the case of an existing partial dedication or easement, the gross area shall not extend beyond what would be the centerline of the full dedication.

**GROSS LEASABLE AREA (GLA)** - The total building area, expressed in square feet and designed for tenant occupancy and exclusive use, including any basements, mezzanines, or upper floors, as measured from exterior walls or the centerline of walls separating two abutting buildings, but excluding any space where floor-to-ceiling height is less than six feet and six inches (6'6").

**GROUND SUBSIDENCE** - A process characterized by the downward displacement of surface material caused by

phenomena such as removal of underground fluids, natural consolidation, or dissolution of underground minerals or by manmade phenomena such as underground mining.

**GROUND WATER** - Subsurface water within and below the zone of continuous saturation.

**GROUP HOME** - An adult care home which has two to nine developmentally disabled adult residents. Includes any "Group home for developmentally disabled adults" as defined by NCGS § 131D-2 or NCGS § 131D-20. See § 5.17 of this Ordinance.

**GROUP RESIDENTIAL DEVELOPMENT** - A development where more than one principal residential building is permitted on a lot or any development where there are three (3) or more dwelling units in a building. A "Group Residential Development includes any (1) Apartment House/Multiple Dwelling, Quadriplex, Triplex, or Townhouse; and any Attached Dwelling (Duplex). or (2) any Mixed Use Dwelling.

**GUEST** - Any transient person who rents or occupies a room for sleeping purposes.

**GUTTER** - A shallow channel, usually set along a curb or the pavement edge of a road or the edge of a building roof, for purposes of catching and carrying off water.

**HABITABLE ROOM** - Any room meeting the requirements of the North Carolina One and Two Family Dwelling Code for sleeping, living, cooking or dining purposes, excluding such enclosed places as closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms and similar spaces. (Source: North Carolina State Building Code, Vol. VII, § 202).

**HAZARDOUS WASTE MANAGEMENT FACILITY** - A facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste, as defined in NCGS 130A, Article 9.

**HAZARD PRONE AREA** - An area which has not yet been designated by the State or federal government as a geological hazard area but where historical evidence, climatological data, surface or subsurface geological, topographical, vegetative, or other on-site naturally-occurring factors indicate a relatively greater risk of property damage than exists on other parcels in the County.

**HEALTH CARE PROVIDER** - Without limitation any person who pursuant to the provisions of NCGS Chapter 90 is licensed, or is otherwise registered or certified to engage in the practice of or otherwise performs duties associated with any of the following: medicine, surgery, dentistry, pharmacy, optometry, midwifery, osteopathy, podiatry, chiropractic, radiology, nursing, physiotherapy, pathology, anesthesiology, anesthesia, laboratory analysis, rendering assistance to a physician, dental hygiene, psychiatry, psychology; or a hospital or a nursing home; or any other person who is legally responsible for the negligence of such person, hospital or nursing home; or any other person acting at the direction or under the supervision of any of the foregoing persons, hospital, or nursing home. (Source: NCGS § 90-21.11)

**HEALTH SERVICE FACILITY** - A hospital; psychiatric facility; rehabilitation facility; long term care facility; kidney disease treatment center, including freestanding hemodialysis units; intermediate care facility for the mentally retarded; home health agency office; chemical dependency treatment facility; diagnostic center; oncology treatment center; hospice, hospice inpatient facility, hospice residential care facility; and ambulatory surgical facility. (Source: NCGS § 131E-176)

**HEALTH CLUB** - An establishment that provides facilities for exercise activities, such as running, jogging, aerobics, weight lifting, court sports and swimming, as well as locker rooms, showers, massage rooms, saunas and related accessory uses.

**HEAVY EQUIPMENT** - Large equipment including, but not limited to: trucks with greater than a one and one-half ton rating, cranes, crawler-type tractors, earth movers, dump trucks and other equipment of equal or greater size and weight.



**HEIGHT** -The vertical distance from the grade to the highest point of any portion of a structure, measured as set forth in § 4.7.5. of this Ordinance.

**HEIGHT, BUILDING** - The vertical distance from grade to the highest finished roof surface in the case of flat roofs or to a point at the average height of the highest roof having a pitch. Height of a building in stories includes basements, except as specifically provided for in § 503.2.4 of the North Carolina State Building Code. (Source: North Carolina State Building Code, Vol. 1, § 202)

**HEIGHT, STORY** - The vertical distance from top to top of two successive finished floor surfaces. (Source: North Carolina State Building Code, Vol. 1, § 202)

**HEIGHT, WALL** - The vertical distance to the top measured from the foundation wall, or from a girder or other intermediate support of such wall. (Source: North Carolina State Building Code, Vol. 1, § 202)

**HELIPAD** - A facility without the logistical support provided by a heliport (see Heliport definition) where helicopters take off and land. Helipads do not include facilities for maintenance, repair, fueling or storage of helicopters.

**HELIPORT**- An area providing for the take-off and landing of helicopters and fuel facilities (whether fixed or mobile) or appurtenant areas for parking, maintenance, and repair of helicopters.

**HIGHEST ADJACENT GRADE (HAG)** - The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of a structure.

**HIGH QUALITY WATERS** - See Sedimentation Control Standards.

**HIGH QUALITY WATER ZONES** - See Sedimentation Control Standards.

**HIGH SCHOOL** - A school which embraces a high school department above the elementary grades and which offers at least the minimum high school course of study prescribed by the State Board of Education. (Source: NCGS § 115C-75)

**HIGHWAY** - A general term denoting a public way for purposes of vehicular travel including the entire area within the right-of-way.

**HILLSIDE DISTURBANCE** - Any and all areas of the building site disturbed during construction by grading or excavation and temporary or permanent construction for all buildings, parking areas, driveways, roads, sidewalks, and other areas of concrete, asphalt, or other construction materials.

**HILL CREST** - The highest point on a hill or slope as measured contiguously throughout the property. Any given property may have more than one hill crest.

**HISTORIC STRUCTURE** – Any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminary determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or district preliminarily determined by the Secretary to qualify as registered historic district;
- c. Individually listed on a local inventory of historic landmarks in communities with a Certified Local Government (CLG) Program; or
- d. Certified as contributing to the historical significance of a historic district designated by a community with a Certified Local Government (CLG) Program.

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation

with the North Carolina Department of Cultural Resources through the State Historic Preservation Office as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

**HOME OCCUPATION** - Any occupation or profession or business activity customarily conducted entirely within a dwelling unit and carried on by a member of the family residing therein, and which occupation or profession is clearly incidental and subordinate to the use of the dwelling unit for dwelling purposes and does not change the character thereof, and contains no mechanical equipment except for that which is customarily used for domestic, hobby, or household purposes. A home occupation is an accessory use to a dwelling unit. See § 5.12 of this Ordinance.

**HOME OWNERS ASSOCIATION** - An association or organization, whether or not incorporated, which operates under and pursuant to recorded covenants for maintenance and ownership agreements through which each owner of a portion of a subdivision, be it a lot, property or any other interest, is automatically a member as a condition of ownership, and each such member is subject to charge or assessment for a pro-rated share of expenses of the association which may become a lien against the lot, property or other interest of the member.

**HORSE** - Any animal of the genus equus.

**HORTICULTURAL LAND** - Land that is a part of a horticultural unit that is actively engaged in the commercial production or growing of fruits or vegetables or nursery or floral products under a sound management program. Horticultural land includes woodland and wasteland that is a part of the horticultural unit, but the woodland and wasteland included in the unit shall be appraised under the use-value schedules as woodland or wasteland. A horticultural unit may consist of more than one tract of horticultural land, but at least one of the tracts must meet the requirements in G.S. 105-277.3(a)(2), and each tract must be under a sound management program. (Source: NCGS § 105-277.2).

**HOSPICE** - Any coordinated program of home care with provision for inpatient care for terminally ill patients and their families. This care is provided by a medically directed interdisciplinary team, directly or through an agreement under the direction of an identifiable hospice administration. A hospice program of care provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual and special needs of patients and their families, which are experienced during the final stages of terminal illness and during dying and bereavement. (Source: NCGS § 131E-176, 131E-201)

**HOSPICE INPATIENT FACILITY** - A freestanding licensed hospice facility or a designated inpatient unit in an existing health service facility which provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of terminally ill patients and their families in an inpatient setting. For purposes of this Article only, a hospital which has a contractual agreement with a licensed hospice to provide inpatient services to a hospice patient as defined in G.S. 131E-201(4) and provides those services in a licensed acute care bed is not a hospice inpatient facility and is not subject to the requirements in G.S. 131E-176(5)(ii) for hospice inpatient beds. (Source: NCGS § 131E-176, 131E-201)

**HOSPICE RESIDENTIAL CARE FACILITY** - A freestanding licensed hospice facility which provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of terminally ill patients and their families in a group residential setting. (Source: NCGS § 131E-176)

**HOSPITAL** - A hospital licensed, accredited or approved under the laws of any state and a hospital operated by the United States government, a state or its subdivision, although not required to be licensed under state laws. (Source: NCGS § 130A-403) The term "hospital" also includes a public or private institution which is primarily engaged in providing to inpatients, by or under supervision of physicians, diagnostic services and therapeutic services for medical diagnosis, treatment, and care of injured, disabled, or sick persons, or rehabilitation services for the rehabilitation of injured, disabled, or sick persons. The term also includes all facilities licensed pursuant to G.S.131E-77 of the General Statutes. (Source: NCGS § 131E-176)

**HOTEL** - Any building containing six or more guest rooms intended or designed to be used, or which are used, rented

or hired out to be occupied or which are occupied for sleeping purposes by guests. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

**HOUSEHOLD PETS** - Those animals which are commonly kept as pets: dogs, cats, fish, small birds (e.g. parakeets, parrots), rodents (e.g. mice, rats), and reptiles (non-poisonous snakes, lizards).

**HUD CODE** - The National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §§ 5401 et seq., as amended) and the regulations promulgated by the United States Department of Housing and Urban Development thereto (24 C.F.R. part 3282), commonly known as the "HUD Code".

**HYDROLOGY** - The science of dealing with the properties, distribution, and circulation of water.

**HYDROPERIOD** - The period during which a soil area is saturated.

**IMPACT AREA** - See Adequate Public Facilities of this Ordinance.

**IMPERVIOUS SURFACE** - Includes all buildings or structures measured at their greatest extent and so as to include areas overhung by eaves, balconies, and other projecting features of the structure; also all paved or otherwise hard-surfaced areas such as buildings, pavement, gravel areas (e.g. roads, parking lots, paths), recreation facilities (e.g. tennis courts), and similar hard-surfaced areas. Wooden slatted decks and the water area of a swimming pool are considered pervious. Source: 15A NCAC 2B.0202(13) (defining "built-upon area").

**IMPROVED OPEN SPACE** - Landscaped areas, turf areas, parks, golf course and recreation areas constructed on the parcel, but shall not include associated buildings.

**IMPROVEMENTS** - Right-of-way pavements, curbs, gutters, sidewalks, paths, bikeways, sedimentation control facilities, re-vegetation, water mains, sanitary and storm sewers, drainways, gas lines, electrical and telephone lines and appurtenances, street signs, trees and lights, lot pin monuments, range point boxes, and any other similar items required for compliance with the regulations of this Ordinance or the conditions of approval.

**INDUSTRIAL OR COMMERCIAL TREATMENT PLANT SEPTAGE** - Solid, semisolid or liquid residue generated during the treatment of sewage that contains any waste resulting from any process of industry, manufacture, trade, or business in a treatment works where the designed disposal is subsurface. Industrial or commercial treatment plant septage includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes and a material derived from domestic treatment plant septage. Industrial or commercial treatment plant septage does not include ash generated during the firing of industrial or commercial treatment plant septage in an incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works. (Source: NCGS § 130A-290)

**INDUSTRIAL PARK** - A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible uses.

**INDUSTRIAL PROCESS WASTEWATER** - Any water-carried waste resulting from any process of industry, manufacture, trade, or business. (Source: NCGS § 130A-334)

**INDUSTRIAL USES** - Storage, processing, and shipping of agricultural or timber products; minerals extraction and production, storage, processing, shipping or conversion to energy; fabrication, assembly, servicing, manufacture, storage or warehousing of other products

**INDUSTRIAL WASTE** - Any liquid, solid, gaseous, or other waste substance or a combination thereof resulting from any process of industry, manufacture, trade or business, or from the development of any natural resource. (Source: NCGS § 143-213)

**INFILL** - The development of new housing or other buildings on scattered vacant sites surrounded by developed areas.

**INFILTRATION SYSTEMS** - As defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

**IN KIND** - For mitigation purposes, "in kind" means the restoration, replacement, or creation of a wetland or river stream system which provides functions, attributes, and characteristics closely approximating those of a specific wetland or river stream system that would be adversely affected by the proposed activities.

**INTEGRAL UNITS** - Items, equipment, or machinery which are assembled or constructed to function as a single unit, such as, but not limited to, large cranes, drilling rigs or other large vehicles, large diameter pipes or culverts, large scale motors or transformers, and the like.

**INTENSITY** - The number of square feet of development per acre by land use type with respect to non-residential land uses.

**INTERIOR LOT** - See "Lot, Interior."

**INTERMEDIATE CARE FACILITY FOR THE MENTALLY RETARDED** Facilities licensed pursuant to Article 2 of Chapter 122C of the North Carolina General Statutes for the purpose of providing health and habilitative services based on the developmental model and principles of normalization for persons with mental retardation, autism, cerebral palsy, epilepsy or related conditions. (Source: NCGS § 131E-176)

**JUNIOR HIGH SCHOOL** - A school which embraces not more than the first year of high school with not more than the upper two elementary grades. (Source: NCGS § 115C-75)

**JUNK** - Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material. (Source: Junkyard Control Act, NCGS § 136-143).

**JUNKYARD** - An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills. An establishment or place of business which stores or keeps for a period of 15 days or more materials within the meaning of "junk" as defined by subdivision (3) of NCGS § 136-143 which had been derived or created as a result of industrial activity shall be deemed to be a junkyard within the meaning of this definition. The term "Junkyard" includes any "Automobile Graveyard." An "Automobile Graveyard" is any establishment or place of business which is maintained, used, or operated for storing, keeping, buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. Any establishment or place of business upon which six or more unlicensed, used motor vehicles which cannot be operated under their own power are kept or stored for a period of 15 days or more shall be deemed to be an "automobile graveyard" within the meaning of this definition. (Source: Junkyard Control Act, NCGS § 136-143). See § 5.13 of this Ordinance.

**LAGOON** - A confined body of water to hold animal byproducts including bodily waste from animals or a mixture of waste with feed, bedding, litter or other agricultural materials. (Source: NCGS § 106-802, Swine Farm Siting Act)

**LAND CLEARING & INERT DEBRIS LANDFILL** - A facility for the land disposal of land clearing waste, concrete, brick, concrete block, uncontaminated soil, gravel and rock, untreated and unpainted wood, and yard trash. For purposes of this definition, "land clearing waste" means solid waste which is generated solely from land clearing activities such as stumps, trees, limbs, brush, grass, and other naturally occurring vegetative material. (Source: 15A NCAC § 13B.0101)

**LAND DISTURBING ACTIVITY** - Any use of the land by any person in residential, industrial, educational, institutional or commercial development, highways and road construction and maintenance that results in a

change in the natural cover or topography and that may cause or contribute to sedimentation. (Source: NCGS § 113A-52)

**LANDFILL** - A disposal facility or part of a disposal facility where waste is placed in or on land and which is not a land treatment facility, a surface impoundment, an injection well, a hazardous waste long-term storage facility or a surface storage facility. (Source: NCGS § 130A-290)

**LANDFILL, DEMOLITION** - A landfill that is limited to receiving stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth, or other solid wastes approved by the Director of the North Carolina Division of Solid Waste Management or the Director's authorized representative. (Source: 15A NCAC § 13B.0101).

**LANDLOCKED PARCEL** - A parcel of land without access of record with the County Register of Deeds.

**LANDOWNER** - Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representative of such owner. The landowner may allow a person holding a valid option to purchase to act as his agent or representative for purposes of submitting a proposed site specific development plan or a phased development plan under this section, in the manner allowed by ordinance. (Source: NCGS § 160A-385.1)

**LANDSCAPE** - An area set aside from structures and parking which is developed with natural materials (i.e. lawns, trees, shrubs, vines, hedges, bedding plants, rock) and decorative features, including paving materials, walls, fences and street furniture.

**LANDSCAPE ARCHITECT** - A person who holds a current certificate entitling him or her to practice "landscape architecture" and to use the title "landscape architect" in North Carolina under the authority of NCGS, chapter 89A. (Source: NCGS § 89A-1).

**LANDSCAPE CONTRACTOR** - Within the meaning of this Chapter any person, partnership, association or corporation which holds a certificate issued by the North Carolina Landscape Contractors' Registration Board. (Source: NCGS § 89D-1).

**LATERAL SEWER** - A sewer which discharges into a trunk line and has only collection lines tributary to it. A line from a structure or use which discharges into a collection line is not a lateral.

**LIBRARY OR MUSEUM** - A room or building for exhibiting, or an institution in charge of, a collection of books; artistic, historical or scientific objects.

**LICENSED GEOLOGIST** - A person who is licensed as a geologist under the provisions of the North Carolina Geologists Licensing Act, NCGS, Chapter 89E.

**LICENSED SOIL SCIENTIST** - A person who is licensed as a soil scientist under the North Carolina Soil Scientist Licensing Act, NCGS, Chapter 89F.

**LIQUOR STORE** - A store which sells or offers to sell alcoholic beverages, as defined in NCGS § 18B-101.

**LIVESTOCK** - "Livestock" shall include, but shall not be limited to, equine animals, bovine animals, sheep, goats, llamas, and swine. (Source: Livestock Law, NCGS § 68-15)

**LIVESTOCK DEALER** - Any person who buys livestock (i) for his own account for purposes of resale, or (ii) for the account of others. (Source: NCGS § 106-418.8)

**LOADING AND UNLOADING SPACES** - A permanently maintained space on the same lot as the principal building accessible to a street or alley and not less than ten (10) feet in width, twenty (20) feet in length, and fourteen (14) feet in height.

**LOADING SPACE** - An off-street portion of a parcel for the temporary parking of commercial vehicles while loading

or unloading materials for use or sale on the parcel. This space shall open onto a street or alley, and any use of the space shall not obstruct pedestrian or vehicular traffic upon the street or alley.

**LOCAL ROAD OR LOCAL STREET** - Provides direct access to adjacent land and access to higher street classifications. All streets or roads not otherwise classified are local.

**LOT** - A parcel of land described by metes and bounds and held or intended to be held in separate lease or ownership, or shown as a lot or parcel on a recorded subdivision, or shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger lot, parcel, or tract into two (2) or more smaller lots or units. A "lot" includes any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record, that is recognized and intended as a unit for the purpose of transfer of ownership.

**LOT AREA** - The area of a horizontal plane within the lot lines of a lot.

**LOT, CORNER** - A lot having frontage on two (2) intersecting streets, or upon two sides of the same street, the adjacent sides of which street or streets contain an angle of not more than one hundred and thirty-five degrees (135 ). In the case of a curved corner, the corner of the lot shall be that point on the Lot Line adjoining the street or Right-of-Way nearest to the point of intersection of the said tangents.

**LOT COVERAGE** - The percentage of the area of a lot which is occupied by all buildings or other covered structures using the roof outline for all outer dimensions.

**LOT DEPTH (LENGTH)** - The length (or depth) of a lot shall be:

1. If the front and rear lines are parallel, the shortest distance between such lines.
2. If the front and rear lines are not parallel, the shortest distance between the midpoint of the front lot line and the midpoint of the rear lot line.
3. If the lot is triangular, the shortest distance between the front lot line and a line parallel to the front lot line, not less than ten feet long, lying wholly within the lot.

**LOT, DOUBLE FRONTAGE (THROUGH LOT)** - An interior lot having frontage on two (2) non-intersecting streets.

**LOT, FLAG** - A lot having no frontage or access to a street or place except by a narrow strip of land.

**LOT FRONTAGE** - The distance for which a lot abuts on a street.

**LOT, INTERIOR** - A lot other than a corner lot or a through lot.

**LOT, KEY** - A lot adjacent to a corner lot having its side lot line in common with the rear lot line of the corner lot and fronting on the street which forms the side boundary of the corner lot.

**LOT LINE** - Any boundary or boundary line which provides the legally defined limits of a lot, parcel tract, or plot.

**LOT LINE, FRONT** - In the case of an interior lot, a line separating the lot from the street right-of-way. In the case of a corner lot, the narrower of the two lot lines adjoining a street right-of-way . If said lot lines for a corner lot are of the same length, then both lot lines shall be considered a Front Lot Line for purposes of this Ordinance.

**LOT LINE, REAR** - A lot line which is opposite and most distant from, the front lot line; except that in the absence of a rear lot line as is the case of the triangular shaped lot, the rear lot line may be considered as a line within the lot, parallel to and at a maximum distance from the front lot line, having a length of not less than ten (10) feet.

**LOT LINE, SIDE** - The boundary of a lot which is not a front lot line or a rear lot line.

**LOT THROUGH** - A lot having a part of opposite lot lines abutting two (2) streets, and which is not a corner lot. (Also known as a "double frontage lot"). On such lot, both lot lines are front, except that where a non-access

easement has been established on such a lot, the front lot line shall be considered as that lot line most distant from the lot line containing the non-access easement.

**LOT WIDTH** - For rectangular lots, lots having side lot lines not parallel, and lots on the outside of the curve of a street, the distance between side lot lines measured at the required Minimum front yard line on a line parallel to the street or street chord; and for lots on the inside of the curve of a street, the distance between side lot lines measured 30 feet behind the front property line on a line parallel to the street or street chord.

**LOW INCOME HOUSING** - Housing reserved for occupancy or ownership by persons or households whose annual gross income does not exceed eighty percent (80%) of the area median household gross income for households of the same size in the Charlotte metropolitan statistical area, as defined by the U.S. Department of Housing and Urban Development in 24 C.F.R., Part 813.

**LOWEST ADJACENT GRADE (LAG)** – The elevation of the ground, sidewalk, or patio slab immediately next to the building, deck support, after completion of the building.

**LOWEST FLOOR** - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage, in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

**MAINTENANCE** - The replacing or repairing of a minor part or parts of a building or structure which have degraded by ordinary wear or tear or by the weather.

**MAJOR SITE PLAN** - See § 3.6 of this Ordinance.

**MAJOR SUBDIVISION** - All land subdivisions that are not exempted by state statute or previously described under the minor subdivision procedures shall be processed as a major subdivision.

**MAJOR THOROUGHFARE** - A Major Thoroughfare as designated on the Cabarrus-South Rowan MPO Thoroughfare Plan.

**MANUFACTURED HOME** - A structure, used or intended to be used as a Dwelling Unit, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. "Manufactured home" includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §5401, et seq. (Source: The Uniform Standards Code for Manufactured Homes Act," NCGS § 143-145). For purposes of this Ordinance, a "manufactured home" does not include a structure which otherwise complies with this subsection, but which was built prior to June 15, 1976, which units shall be classified as "mobile homes." The term also does not include recreational vehicle.

**MANUFACTURED HOME, SINGLE SECTION** – See MANUFACTURED HOME, TYPE I.

**MANUFACTURED HOME, MULT-SECTION** - A manufactured home assembled in two (2) or more sections. Also, see MANUFACTURED HOME, TYPE II.

**MANUFACTURED HOME, TYPE I** - See "MANUFACTURED HOME, SINGLE SECTION." A manufactured home assembled in one section not exceeding seventeen (17) feet in width.

**MANUFACTURED HOME, TYPE II** - A multi-section manufactured home greater than or equal to seventeen (17) feet in width. Width for MANUFACTURED HOMES - TYPE II shall be determined by mean width when all

sections are in a final assembly arrangement.

**MANUFACTURED HOME PARK** - Any area, lot, parcel or tract held in common ownership, and on which individual portions of said area, lot, parcel or tract are leased for the placement of manufactured homes as a primary residence. A manufactured home land lease community does not include manufactured home subdivisions or property zoned for manufactured home subdivisions.

**MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION, EXISTING** – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the initial effective date of the floodplain management regulations adopted by the community.

**MANUFACTURED HOME SPACE** - The portion of land area allotted and/or designated to be allotted to any one manufactured home. The term "manufactured home space" shall include the term "mobile home space."

**MANUFACTURED HOME SUBDIVISION** - A parcel or contiguous parcels of land subdivided into two (2) or more lots configured for development of manufactured housing.

**MANUFACTURED HOUSING** - See Manufactured Home.

**MANUFACTURING, HEAVY** - An establishment and/or activity primarily engaged in manufacturing, production and/or assembly which involves specialized processes on the premises.

**MANUFACTURING, LIGHT** - An establishment and/or activity primarily engaged in manufacturing, production and/or assembly which does not involve, on the premises, the use of heat, noise and/or odor generating/producing processes, which are detectable off-site.

**MARKET VALUE** – The building value, no including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of the building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

**MARQUEE** - Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

**MARQUEE SIGN** - Any sign attached to, in any manner, or made a part of a marquee.

**MASSAGE** - The manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, by hand or mechanical device. (Source: NCGS § 14-202.10)

**MASSAGE BUSINESS** - Any establishment or business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, massage studios, or massage parlors. (Source: NCGS § 14-202.10)

**MATERIAL** - Relative to sexually oriented businesses, "material" shall mean and include, but not be limited to, accessories, books, magazines, photographs, prints, drawings, paintings, motion pictures, pamphlets, videos, slides, tapes, or electronically generated images or devices including computer software, or any combination thereof.

**MATERIALS RECOVERY FACILITY** - Any site used for the separation of recyclable materials from nonhazardous waste streams, or where commingled recyclable materials are sorted into distinct categories. For purposes of this definition, the phrase "recyclable materials" shall be defined as set forth in NCGS § 130A-290, which is incorporated herein by this reference.

**MEAN SEA LEVEL** – The national Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing



varying elevations within the floodplain, to which base Flood Elevations (BFEs) shown on a FIRM as referenced. Refer to each FIRM panel to determine datum used.

**MEDICAL CLINIC** - An office occupied and used for a Health Care Provider or Chiropractor.

**MENTAL HEALTH FACILITY** - Any individual, association, group or other entity at one location whose primary purpose is to provide services for the care, treatment, habilitation, or rehabilitation of the mentally ill, the developmentally disabled, or substance abusers, and includes any "area facility," "licensable facility," "private facility," "residential facility," "State facility," "24-hour facility," Veterans Administration facility as defined in NCGS § 122C-3. (Source: NCGS § 122C-3).

**MEZZANINE** - One or more intermediate levels between the floor and ceiling of a story, meeting the requirements of § 503.2.3 of the North Carolina State Building Code. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

**MINE** - An area of land and all private ways and roads appurtenant thereto, structures, facilities, machinery, tools, equipment, shafts, slopes, tunnels, excavations, and other property, real or personal, placed or constructed on, under, or above the surface of such land by any person, used in, or to be used in, or resulting from (including the reclamation of mined areas or the storage of materials in mined areas), or to facilitate the work of exploring for, developing of, or extracting by any means or method in such area all minerals, inorganic and organic, from their natural deposits. The term "mine" also includes all mineral processing and milling facilities except those used in the processing of source materials as defined in the Atomic Energy Act of 1954, as amended. (Source: Mine Safety and Health Act of North Carolina, NCGS § 74-24.2) See § 5.19 of this Ordinance.

**MINI-WAREHOUSE** - Buildings which are composed of contiguous individual rooms which are rented to the public for the storage of personal property and which have independent access and locks under the control of the tenant; but excluding the storage of explosive, corrosive or noxious materials, such as dust, fumes, or noise that could be dangerous, injurious, distasteful, pernicious or obnoxious to man, other organisms or properties; and further excluding any other use otherwise permitted in the Zoning District in which the Mini Warehouse is located. See § 5.15 of this Ordinance.

**MINING** – Defined as: a.) The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores, or other solid matter; or b.) Any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, soils, and other solid matter from their original location. The preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial, or construction use. "Mining" does not include: (i) Those aspects of deep mining not having significant effect on the surface, where the affected land does not exceed one acre in area; (ii) Mining operations where the affected land does not exceed one acre in area; (iii) Plants engaged in processing minerals produced elsewhere and whose refuse does not affect more than one acre of land; (iv) Excavation or grading when conducted solely in aid of on-site farming or of on-site construction for purposes other than mining; (v) Removal of overburden and mining of limited amounts of any ores or mineral solids when done only for the purpose and to the extent necessary to determine the location, quantity, or quality of any natural deposit, provided that no ores or mineral solids removed during exploratory excavation or mining are sold, processed for sale, or consumed in the regular operation of a business, and provided further that the affected land resulting from any exploratory excavation does not exceed one acre in area. (Source: The Mining Act of 1971, NCGS § 74-49)

**MINOR THOROUGHFARE** - A Minor Thoroughfare as designated on the Cabarrus-South Rowan MPO Thoroughfare Plan.

**MITIGATION** - The minimization of impacts to existing vegetation and wildlife habitat as a result of development in the resource area, and that lost vegetation and wildlife habitat are restored or recreated.

**MIXED USE DWELLING** - See BUILDING, MIXED USE

**MIXED USE DEVELOPMENT OR MIXED USE PROJECT** - A proposed development that includes primary non-residential and primary residential uses on the same development site.

**MOBILE FOOD VENDING SERVICE** – A service establishment operated from a licensed and moveable vehicle (with or without an attached trailer), a portable vending cart, or mobile food stand that sells food and/or drink processed or prepared on-site to walk-up customers.

**MOBILE HOME** - A single-family dwelling, factory built and factory-assembled residence which does not comply with the National Manufactured Homes Construction Safety and Standards Act (42 U.S.C. § 5401, 1978, as amended) or the State Building Code.

**MODERATE INCOME HOUSING** - Housing reserved for occupancy or ownership by persons or households whose annual gross income does not exceed one hundred percent (100%) of the area median household gross income for households of the same size in the Charlotte metropolitan statistical area, as defined by the U.S. Department of Housing and Urban Development in 24 C.F.R., Part 813.

**MODULAR HOME** - A dwelling unit constructed in accordance with the standards set forth in the State Building Code applicable to site built homes and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. A modular home may consist of one or more sections transported to the site in a manner similar to a mobile home or manufactured home, or a series of panels or room sections transported on a truck and erected or joined together on the site.

**MOTEL** - A building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space located on the lot and designed, used, or intended wholly or in part for the accommodation of automobile transients. Motel includes motor courts, motor lodges and tourist courts, but not mobile home parks or travel trailer parks.

**MOTOR HOME** - A vehicular-designed unit built on, or permanently attached to, a self-propelled vehicle chassis, van, or chassis cab, which is an integral part of the complete vehicle, to provide temporary living quarters for recreational, camping, or travel use.

**MOTOR VEHICLE** - See VEHICLE, MOTOR

**MOTOR VEHICLE REPAIR SHOP** - See AUTOMOBILE REPAIR SHOP

**MOTORSPORTS COMPLEX** - A facility consisting of a racetrack, seating, concession areas, suites, and parking facilities, with accessory offices, residences, and/or retail facilities, and which is utilized primarily for the hosting of automobile racing events.

**MULTI-FAMILY DWELLING** - A structure arranged, designed, and intended to be the residence of more than one family, with each family having independent cooking and bathing facilities.

**MULTIPLE DWELLING** - See APARTMENT HOUSE

**MUNICIPALITY** - An incorporated city or town.

**MUNICIPAL STREET** - A street or highway accepted by the City and which is not a State Highway. (Source: 19A NCAC § 20.0404).

**MUNICIPAL SOLID WASTE MANAGEMENT FACILITY** - Any publicly or privately owned solid waste management facility permitted by the Department that receives municipal solid waste for processing, treatment, or disposal. (Source: NCGS § 130A-290)

**NAICS MANUAL** - The North American Industry Classification System, 1997 edition (or most current version as

amended), published by the Office of Improvement and Budget of the Executive Office of the President, which is hereby incorporated by this reference.

**NATIONAL GEODETIC VERTICAL DATUM (NGVD)** - A fixed reference adopted as a standard geodetic datum for elevations determined by leveling. Established in 1929. Also referred to as National Geodetic Vertical Datum of 1929 and Sea Level Datum of 1929. The NGVD is usually preferred as the primary datum for engineering design. NGVD is derived from a general adjustment of the first order level nets of both the United States and Canada. It was formerly called "Sea Level Datum of 1929" or "mean sea level". Although the datum was derived from the average sea level over a period of many years at 26 tide stations along the Atlantic, Gulf of Mexico, and Pacific Coasts, it does not necessarily represent local mean sea level at any particular place.

**NATURAL EROSION** - See Sedimentation Control Standards.

**NATURAL HAZARD** - A geologic, floodplain, or wildfire hazard as identified by a State or federal agency.

**NATURAL RESOURCE** - Existing natural elements relating to land, water, air, plant and animal life, including, but not limited to soils, geology, topography, surface and subsurface waters, wetlands, vegetation and animal habitats.

**NET AREA** - The area of a lot or parcel, excluding all dedicated streets or alleys and roadway or alley easements.

**NET FLOOR AREA** - The square footage of the primary use area of a building including restrooms, hallways and stairwells, but not including normally unoccupied areas such as garages, storage rooms, furnace areas, stairways, elevator shafts, elevator lobbies, rest rooms, mechanical areas, security areas or services areas.

**NEW CONSTRUCTION** - Structures for which the start of construction commenced on or after the effective date of the date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

**NODE** - An identifiable grouping of uses subsidiary and dependent upon a larger urban grouping of similar or related uses.

**NON-COMMUNITY WATER SYSTEM** - See definition of "Public Water System."

**NON-CONFORMING** - A legal use, structure, and/or development which existed prior to the adoption of this Ordinance or any amendment thereto, which does not presently conform to this Ordinance or its amendments.

**NONCONFORMING BUILDING OR STRUCTURE** - A Building or Structure that was lawfully developed, and legally existed prior to any change in, the applicable zoning district bulk regulations, but does not comply with one or more of the applicable district bulk regulations, either on the Effective Date of this Ordinance or as a result of any amendments to this Ordinance. See § 13.1 of this Ordinance.

**NONCONFORMING SIGN** - Any sign that does not conform to the requirements of this ordinance.

**NON-CONFORMING USE** - A use of land that:

1. legally existed before its current zoning or land use category designation; and
2. has been maintained continuously since the time the applicable regulations governing the land changed; and
3. because of subsequent changes, does not conform to the provisions of this Ordinance now governing such land.

See § 13.1 of this Ordinance.

**NON-ENCROACHMENT AREA** – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

NON-POINT SOURCE - Generalized discharge of waste which cannot be located as to a specific source into a water body.

NON-PROFIT - Organizations which qualify for exemption from federal income taxes pursuant to Section 501(c)(3) of the Internal Revenue Code, and for which an application for exemption thereto has been approved by the federal Internal Revenue Service.

NOTICE OF INTENT - A written notification to the Division of Environmental Management, Department of Natural Resources and Community Development, that an activity or discharge is intended to be covered by a general permit, as more particular defined in 15A NCAC 2H.1002.

NURSERY - A place where plants are raised, acquired, and maintained for transplanting or sale. It may also include, either exclusively or in conjunction with the above activities, the sale of materials commonly used for landscaping purposes, such as soil, rock, bark, mulch and other materials determined by the Director to be landscaping materials. Sale or rental of small landscaping tools and supplies may be an accessory use.

NURSERY SCHOOL/PRE- SCHOOL/DAY CARE - See "CHILD CARE."

NURSING HOME - A facility, however named, which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for three or more persons unrelated to the licensee. A "nursing home" is a home for chronic or convalescent patients, who, on admission, are not as a rule, acutely ill and who do not usually require special facilities such as an operating room, X-ray facilities, laboratory facilities, and obstetrical facilities. A 'nursing home' provides care for persons who have remedial ailments or other ailments, for which medical and nursing care are indicated; who, however, are not sick enough to require general hospital care. Nursing care is their primary need, but they will require continuing medical supervision. (Source: NCGS § 131E-101) See § 5.17 of this Ordinance.

OBSTRUCTION - A dam, wall, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, fence, stockpile, refuse, fill, structure or material, in, along, across, or projecting into any drainway, channel, or watercourse, which might impede, retard or change the direction of the flow of water, either by itself or by catching and collecting debris carried by the water, or which is placed where the 100-year flood may carry the debris downstream.

OCCUPANCY - The purpose for which a building, or part thereof, is used or intended to be used. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

OCCUPANT LOAD - The calculated minimum number of persons for which the means of egress of a building or portion thereof is designed, based on Table 1003.1 of the North Carolina State Building Code. (Source: North Carolina State Building Code, Vol. 1, § 201.3).

OCCUPIED RESIDENCE - A dwelling actually inhabited by a person on a continuous basis as exemplified by a person living in his or her home.

OCCUPIED SPACE - The total area of all buildings or structures on any lot or parcel of ground projected on a horizontal plane, excluding permitted projections as allowed by the State Building Code. (Source: North Carolina State Building Code, Vol. VII, § 202).

OFFICE - A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

OFF-SITE - Any premises not located within the area of the property to be subdivided or developed, whether or not in the common ownership of the applicant for subdivision or development approval.

OFF-SITE STORMWATER SYSTEMS - Stormwater management systems that are located outside the boundaries

of the specific project in question, as more particularly defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

**ON-SITE** - With regard to mitigation, "on-site" means restoration or replacement of a wetland or river stream at or very near the site where a wetland or river stream has been or will be degraded by regulated activity.

**ON-SITE STORMWATER SYSTEMS** - The systems necessary to control stormwater within an individual development project and located within the project boundaries. (Source: 15A NCAC 2H.1002).

**OFF-STREET PARKING SPACE** - The space required to park one vehicle, exclusive of access drives, and not on a public right-of-way.

**ONE-HUNDRED-YEAR (100-YEAR) FLOODPLAIN** - The low land near a watercourse which has been, or may be, covered by water of a flood of 100-year frequency, as established by engineering practices of the U.S. Army Corps of Engineers. It shall also mean that a flood of this magnitude may have a one percent change of occurring in any given year.

**OPEN DUMP** - A solid waste disposal site which is not a sanitary landfill. (Source: NCGS § 130A- 290)

**OPEN MINING** - The mining of natural mineral deposits by removing the overburden lying above such deposits and mining directly from the deposits exposed. The term includes, but is not limited to, such practices as open cut mining, open pit mining, strip mining, quarrying and dredging.

**OPEN SPACE** - Any space or area (i) characterized by great natural scenic beauty or (ii) whose existing openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding urban development, or would maintain or enhance the conservation of natural or scenic resources. The term "open space land" includes any undeveloped or predominantly undeveloped land in an urban area that has value for one or more of the following purposes: (i) park and recreational purposes, (ii) conservation of land and other natural resources, or (iii) historic or scenic purposes. The term "open space uses" means any use of open space land for (i) park and recreational purposes, (ii) conservation of land and other natural resources, or (iii) historic or scenic purposes. (Source: NCGS § 160A-407)

**OPEN SPACE STANDARDS** - See Parks and Open Space Standards.

**OPEN SPACE, COMMON** - Open space within or related to a development, not a part of individually owned lots or dedicated for general public use, but designed and intended for the common ownership, use and enjoyment of the residents of the development.

**ORDINANCE** - Unless otherwise specified, refers to this Unified Development Ordinance.

**OTHER ANIMALS** - Those animals not defined elsewhere in this Appendix as household pets or agricultural animals.

**OUTDOOR CULTURAL EVENTS** - Entertainment, educational and cultural events generally involving the outdoor assembly of 50 or more people.

**OUTDOOR EVENT, TEMPORARY** - A temporary commercial amusement activity such as a carnival, circus, rodeo or auction.

**OUTDOOR LIGHT FIXTURES** - "Outdoor light fixture" means outdoor artificial illuminating devices, lamps and other devices, permanent or portable, used for illumination or advertisement. Such devices shall include, but are not limited to, search, spot or flood lights for buildings and structures, recreational areas, parking lot lighting, landscape lighting, billboards and other signage and street lighting.

**OUTDOOR RECREATIONAL FACILITY** - Any plot or tract of land on which there is located an outdoor swimming

pool, tennis court, or golf course that is open to either the general public or to the members and guests of any organization having 50 or more members.

**OUTDOOR STORAGE, NON-VEHICULAR** - An establishment that provides for outdoor storage of machinery and equipment, not including vehicles.

**OVERBURDEN** - The earth, rock, and other materials that lie above the natural deposit of minerals.

**OWNER** - Any person, agent, firm or corporation having a legal or equitable interest in the property. (Source: North Carolina State Building Code, Vol. 1, § 202).

**PARCEL** - An area of land defined by a legal description and recorded with the County Register of Deeds.

**PARENT** - A person that directly, or indirectly through one or more intermediaries, controls another person.

**PARK, COMMUNITY** - The community park is easily accessible to a single, or several neighborhoods, depending on local needs and population distribution at the time the park is developed. When possible, the park may be developed adjacent to a high or middle school. The community park provides recreational opportunities for the entire family and contains areas suited for intense recreational purposes such as a recreation center building, athletic fields, swimming, tennis, and walking/jogging. The park may also possess areas of natural quality for outdoor recreation such as viewing, sitting and picnicking.

**PARK, DISTRICT** - A district park provides more diverse recreational opportunities than a regional park, only on a much smaller scale. The district park emphasizes passive recreational opportunities similar to a regional park, yet also includes limited active recreational facilities. A district park is easily accessible by the population it serves and is within a 20 mile service radius. The park contains a minimum of 5 acres per 1,000 population. A district park is typically at least 200 acres in size.

**PARK, LINEAR** - A linear park is an area developed for one or more varying modes of recreational travel such as hiking, biking, horseback riding and canoeing. Often times the linear park will be developed to connect recreational facilities, as well as schools and residential neighborhoods. The acreage and service area of a linear park is variable and subject to existing natural and man-made features, the existence of public right-of-way and the public demand for this type of park. In some cases, a linear park is developed within a large land area designated for protection and management of the natural environment, with the recreation use a secondary objective.

**PARK, NEIGHBORHOOD** - The neighborhood park is designed to serve a population of up to 5,000, but in many instances even more are served. The park requires 2.5 acres per 1,000 population served and is typically at about 15-25 acres. The neighborhood park is typically characterized by recreational activities for each member of the family, such as field games, court games, crafts, playground apparatus, picnicking and space for quiet/passive activities. The service radius for a neighborhood park is 1/2 to one mile and is easily accessible to the neighborhood population through safe walking and biking access. Parking may or may not be required. Where feasible the activity areas are equally divided between quiet/passive activities and active play. This type of park may be developed as a school/park or community center facility.

**PARK, REGIONAL** - A regional park is a park within a fifty mile service radius, which serves several communities or a multi-county region. Approximately 10 acres per 1,000 population served and generally 1,000 acres is required for developing a regional park. The regional park is an area of natural ornamental quality that provides diverse and unique natural resources for nature-oriented outdoor recreation including nature viewing and study, wildlife habitat conservation, hiking, camping, canoeing and fishing. Generally 80% of the land is reserved for conservation and natural resource management, with less than 20 % developed for recreation. The recreation areas consist of play areas and open fields/meadows for informal use.

**PARKING GARAGE** - An attached or detached building which is used for the parking or storing of motor and other vehicles, open to public use without charge or for a fee, and shall without limiting the foregoing, include all real and personal property, driveways, roads, approaches, structures, garages, meters, mechanical equipment, and all

appurtenances and facilities either on, above or under the ground which are used or usable in connection with such parking or storing of such vehicles. (Adapted from: Parking Authority Law, NCGS § 160A-551)

**PARKING LOT** - Any lot, parcel, area or place for the parking or storing of motor and other vehicles, open to public use without charge or for a fee, and shall without limiting the foregoing, include all real and personal property, driveways, roads, approaches, structures, garages, meters, mechanical equipment, and all appurtenances and facilities either on, above or under the ground which are used or usable in connection with such parking or storing of such vehicles. (Adapted from: Parking Authority Law, NCGS § 160A-551)

**PARKING SPACE** - A space, enclosed or unenclosed, exclusive of driveways or aisles, for the temporary parking of one vehicle, which has adequate access to permit ingress and egress of a motor vehicle to a street.

**PARKING STRUCTURE** - A facility, partially or fully above ground, accessory to another facility or a primary use, at which a fee may be charged for the temporary storage of passenger vehicles.

**PARTIALLY SHIELDED** - "Partially shielded" means that fixtures are shielded in such a manner that the bottom edge of the shield is below the plane of the center line of the lamp reducing light above the horizontal, as certified by photometric test report.

**PATH, MULTI-USE** - A pathway, which may be paved or unpaved, and is physically separated from motorized vehicular traffic by an open space or barrier and is either within the highway right-of-way or within an independent tract, or easement. Multi-use path activities may include walking, hiking, jogging, horseback riding, bicycling, and roller skating.

**PAVEMENT** - The paved portion of a street, including paved shoulders and on-street parking areas, but not including sidewalks and driveways. (Source: 19A NCAC § 20.0404).

**PAWNSHOP** - The location at which, or premises in which, a pawnbroker, as defined in NCGS § 91A- 2, regularly conducts business. (Source: Pawnbrokers Modernization Act of 1989, NCGS § 91A-2)

**PEDESTRIAN PATH** - An improvement located within a public right-of-way or private area which is designed primarily for the use of pedestrians and/or bicyclists.

**PEDESTRIAN RIGHT-OF-WAY** - A right-of-way or easement dedicated for public pedestrian access.

**PENNANT** - Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

**PERFORMER** - Any person who is an employee or independent contractor of the adult business, or any person who, with or without any compensation or other form of consideration, performs live entertainment for patrons of an adult business.

**PERMEABLE PAVEMENT** - A pavement system with traditional strength characteristics, but which allows rainfall to percolate through it rather than running off. A permeable pavement system utilizes either porous asphalt, pervious concrete, or plastic pavers interlaid in a running bond pattern and either pinned or interlocked in place. Porous asphalt consists of an open graded course aggregate held together by asphalt with sufficient interconnected voids to provide a high rate of permeability. Pervious concrete is a discontinuous mixture of Portland cement, coarse aggregate, admixtures, and water which allow for passage of runoff and air. Examples of permeable pavement systems include Grasspave2®, Gravelpave2®, Turfstone®, and UNI Eco-stone®. (See Watershed Management Institute, Inc. and U.S. Environmental Protection Agency, Office of Water, Operation, Maintenance & Management of Stormwater Management (Aug. 1997), at 2-32; Booth & Leavitt, Field Evaluation of Permeable Pavement Systems for Improved Stormwater Management, 65 J. Am. Planning Ass'n 314 (Summer 1999), at 314-325.

**PERSON** - Any individual or group of individuals, partnership, general or limited, firm, association, whether incorporated or unincorporated, corporation, company, firm, joint venture, public or private corporation, trust,

estate, commission, board, public or private institution, utility, cooperative, interstate body, or any governmental or quasi- governmental entity, or other legal entity.

**PERSONAL SERVICE ESTABLISHMENT** - A business that provides personal services directly to customers at the site of the business, or which receives goods from or returns good to the customer which have been treated or processed at another location. "Personal service establishment" includes, but is not limited to: travel agencies, dry-cleaning and laundry drop-off and pick-up stations, tailors, hair stylists, cosmeticians, toning or tanning salons, branch offices of financial institutions, photocopying services, postal substations, package delivery drop-off and pick-up stations, shoe repair shops, interior design studios, domestic pet grooming and care services, and art, music, dance and martial arts schools.

**PETITIONER** - An applicant.

**PET SHOP** - A person or establishment that acquires for the purposes of resale animals bred by others whether as owner, agent, or on consignment, and that sells, trades or offers to sell or trade such animals to the general public at retail or wholesale. (Source: NCGS § 19A-23)

**PHARMACY** - Any place where prescription drugs are dispensed or compounded. (Source: NCGS § 90-85.3)

**PHASED DEVELOPMENT PLAN** - A plan which has been submitted to a city by a landowner for phased development which shows the type and intensity of use for a specific parcel or parcels with a lesser degree of certainty than the plan determined by the city to be a site specific development plan. (Source: NCGS § 160A-385.1)

**PHASED SUBDIVISION APPLICATION OR PHASED SITE PLAN APPLICATION** - An application for subdivision or site plan approval in which the applicant proposes not to immediately subdivide or develop the property but to develop the property in one or more individual phase(s) over a period of time. A phased subdivision application may include an application for approval of, or conversion to, horizontal or vertical condominiums, non-residential development projects, planned unit developments, mixed-use projects, and residential developments. A phased subdivision application or phased site plan application must be filed as part of an application for a specific plan or Master Preliminary Plan.

**PHYSICIAN** - An individual licensed to practice medicine pursuant to Article 1 of Chapter 90, NCGS.

**PILINGS** - Foundational structures placed into the earth to secure buildings and other structures.

**PLACE OF PUBLIC ASSEMBLY** - A fairground, auditorium, stadium, church, theater or any other place where people assemble. (Source: NCGS § 130A-334)

**PLANNED CAPACITY** - See Adequate Public Facilities Standards of this Ordinance.

**PLANNED CAPITAL IMPROVEMENT** - See Adequate Public Facilities Standards of this Ordinance.

**PLANNED DEVELOPMENT** - A tract of land under single, corporation, partnership, or association ownership, planned and developed as an integral unit in a single development operation or a definitely programmed series of development operations and according to an approved development plan.

**PLANNED UNIT DEVELOPMENT (PUD)** - An area of land zoned and improved as a development for which the otherwise applicable bulk use and other requirements may be modified in order to allow for more flexible planning in conformance with the development approval process and developed in accordance with the provisions of section 4.9 of this Ordinance.

**PLANNING COMMISSION** - The City of Kannapolis Planning Commission. Also referred to as the "Commission."



PLANT - Any member of the plant kingdom, including seeds, roots and other parts or their propagules.

PLAT - The legal map of a subdivision.

POINT SOURCE - Any discernible, confined, and discrete conveyance, including, but specifically not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, or concentrated animal-feeding operation from which wastes are or may be discharged to the waters of the State. (Source: NCGS § 143-213)

POSITIVE DRAINAGE - Clear, unobstructed flow of stormwater away from any building.

POST-FIRM – Construction or other development for which the START OF CONSTRUCTION occurred on or after the effective date of the initial Flood Insurance Rate Map.

PRACTICABLE ALTERNATIVE - Alternative to proposed project which is available and capable of being executed after taking into consideration cost, existing technology, and logistics in light of overall project purposed, and having less impacts to wetlands or river streams. It may involve using an alternative site in the general region that is available to the developer and may feasibly be used to accomplish the project.

PRELIMINARY PLAT - The preliminary drawing or drawings, described in Article 6 of this Ordinance, indicating the proposed manner or layout of the subdivision to be submitted to the platting authority for approval.

PRETREATMENT FACILITY - Any treatment works installed for the purpose of treating, equalizing, neutralizing or stabilizing waste from any source prior to discharge to any disposal system subject to effluent standards or limitations. (Source: NCGS § 143-213)

PRETREATMENT STANDARDS - Effluent standards or limitations applicable to waste discharged from a pretreatment facility. (Source: NCGS § 143-213)

PRE-FIRM – Construction or other development for which the START OF CONSTRUCTION occurred before the effective date of the initial Flood Insurance Rate Map.

PRINCIPAL BUILDING OR STRUCTURE - The building or structure in which is conducted the principal use of the zoning lot on which it is located. This shall include any buildings which are attached to the principal structure by a covered structure. Zoning lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

PRINCIPAL USE - The main or primary use of a parcel of land.

PRINCIPALLY ABOVE GROUND – At least 51% of the actual cash value of the structure is above ground.

PRIVATE - Anything not owned or operated by the federal government, state government, or any political subdivision.

PRIVATE CLUBS - An organization that maintains selective members, is operated by the membership, does not provide food or lodging for pay to anyone who is not a member or a member's guest, and is either incorporated as a nonprofit corporation in accordance with Chapter 55A of the General Statutes or is exempt from federal income tax under the Internal Revenue Code as defined in G.S. 105-130.2(1). (Source: NCGS § 130A-247)

PRIVATE USE - One which is restricted to the occupants of a lot or building together with their guests, where compensation for such use is not received, and where no business or commercial activity is associated with such use or building.

PRIVATE UTILITIES - Includes power, telephone, natural gas, cable television and private water supply service.

**PRODUCE STAND** - A temporary open air stand or place for the seasonal selling of agricultural produce. A produce stand is portable and capable of being dismantled or removed from the sales site. (See also Farmers Market.)

**PROFESSIONAL ENGINEER** - A person who has been duly registered and licensed as a professional engineer by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. (Source: NCGS § 89C-3)

**PROFESSIONAL OFFICE** - An office of a member of a recognized profession maintained for the conduct of that profession and not including storage or sale of merchandise as a primary use.

**PROPERTY LINE, COMMON** - A line dividing one lot from another. (Source: North Carolina State Building Code, Vol. 1, § 202)

**PROPERTY LINE** - See "Lot Line."

**PROTECTED PLANT** - A species or higher taxon of plant adopted by the Board to protect, conserve, and/or enhance the plant species and includes those the Board has designated as endangered, threatened, or of special concern. (Source: NCGS § 106-202.12)

**PUBLIC** - Anything owned or operated by the federal government, state government, or any political subdivision.

**PUBLIC OR COMMUNITY WASTEWATER SYSTEM** - A single system of wastewater collection, treatment and disposal owned and operated by a sanitary district, a metropolitan sewage district, a water and sewer authority, a county or municipality or a public utility. (Source: NCGS § 130A-334)

**PUBLIC ASSEMBLY, INDOORS** - Buildings or indoor facilities for the purpose of, but not necessarily limited to banquet halls, auditoria, private clubs and lodges, conference centers, and theaters, including kitchen for the preparation of food to be consumed at the premises.

**PUBLIC ASSEMBLY, OUTDOOR** - See "Commercial Amusement, Outdoor."

**PUBLIC FACILITIES** - See Adequate Public Facilities of this Ordinance.

**PUBLIC HEARING** - A public meeting for which public notice has been given and an opportunity for public testimony is provided.

**PUBLIC LAND FOR DEDICATION AND OWNERSHIP** - Parks, playgrounds, schools, drainage channels, trails, highways, roads and streets or other areas of land accepted by the City Council and dedicated for the public's use or benefit.

**PUBLIC MEETING** - A meeting of a Board, Planning Commission, City Council or their representatives where the public may attend.

**PUBLIC NOTICE** - Notice to the public of a public hearing or meeting as required by state or local law.

**PUBLIC RIGHT-OF-WAY** - Any area on or adjoining a street, road, highway, alley, or pedestrian/bicycle way or other special purpose way or utility installation owned by, or reserved to, the public for present or future public use.

**PUBLIC SAFETY and/or NUISANCE** – Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

**PUBLIC SCHOOL OR PUBLIC SCHOOL FACILITY** - Any education facility under the jurisdiction of a local board

of education or local school district, whether termed an elementary school, middle school, junior high school, high school or union school. (Source: NCGS § 115C-205). Includes charter schools.

**PUBLIC SPACE** - A legal open space on the premises, accessible to a public way or street, such as yards, courts or open spaces permanently devoted to public use, which abuts the premises and is permanently maintained accessible to the fire department and free of all encumbrances that might interfere with its use by the fire department. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

**PUBLIC TRANSPORTATION** - Transportation of passengers whether or not for hire by any means of conveyance, including but not limited to a street railway, elevated railway or guideway, subway, motor vehicle or motor bus, either publicly or privately owned and operated, carpool or vanpool, holding itself out to the general public for the transportation of persons within the territorial jurisdiction of the authority, including charter service. (Source: North Carolina Public Transportation Authorities Act, § 160A-576; Regional Public Transportation Authority Act, NCGS § 160A-601)

**PUBLIC TRANSPORTATION SYSTEM** - Without limitation, a combination of real and personal property, structures, improvements, buildings, equipment, vehicle parking or other facilities, and rights-of-way, or any combination thereof, used or useful for the purposes of public transportation. (Source: North Carolina Public Transportation Authorities Act, § 160A-576; Regional Public Transportation Authority Act, NCGS § 160A-601)

**PUBLIC USE** - A use which is owned by, and operated for, the public by a public entity.

**PUBLIC-USE HELIPORT** - A heliport or helipad that has been designed for use by the public and is available for such, whether owned or operated by a governmental agency or a private entity, provided that such entity has agreed, in writing, to that use of its property.

**PUBLIC WATER SYSTEM** - A system for the provision to the public of piped water for human consumption if the system serves 15 or more service connections or which regularly serves 25 or more individuals, including:

- a. Any collection, treatment, storage or distribution facility under control of the operator of the system and used primarily in connection with the system; and
- b. Any collection or pretreatment storage facility not under the control of the operator of the system which is used primarily in connection with the system.

A public water system is either a "community water system" or a "noncommunity water system" as follows:

- a. "Community water system" means a public water system which serves 15 or more service connections or which regularly serves at least 25 year-round residents.
  - b. "Noncommunity water system" means a public water system which is not a community water system.
- (Source: NCGS § 130A-313)

The term "public water system" also includes a system for the provision of piped water for human consumption as defined in NCGS 130A-313(10). (Source: NCGS § 90A-20.1)

**QUADRUPLEX** - A building containing four (4) attached dwellings in one building in which each unit has two open space exposures and shares one or two walls with an adjoining unit or units.

**QUALIFIED LANDSCAPE ARCHITECT** - A person with at least a four year degree in the field of landscape architecture from an accredited university offering such a degree.

**QUARRY**- See "MINE."

**RACE TRACK, AUTOMOBILE** - A facility consisting of a paved roadway used primarily for the sport of automobile racing. A race track may include seating, concession areas, suites, and parking facilities, but does not include accessory offices, residences, or retail facilities. This definition shall also include any facility used for driving automobiles under simulated racing or driving conditions (test tracks, "shakedown" tracks or other similar facilities), but which does not include seating, concession areas, or retail facilities for the general public.

RCRA - The Resource Conservation and Recovery Act of 1976, Pub. L. 94-580, 90 Stat. 2795, 42 U.S.C. § 6901 et seq., as amended.

REAL PROPERTY - Lands, structures, franchises, and interest in lands, and any and all things usually included within the said term, and includes not only fees simple absolute but also any and all lesser interests, such as easements, rights-of-way, uses, leases, licenses, and all other incorporeal hereditaments and every estate, interest or right, legal or equitable, including terms of years, and liens thereon by way of judgments, mortgages or otherwise, and also claims for damage to real estate. (Source: Parking Authority Law, NCGS § 160A-551) The term "real property" also includes a building, structure, real estate, land, tenement, leasehold, interest in real estate cooperatives, condominium, and hereditament, corporeal and incorporeal, or any interest therein. (Source: NCGS § 41A-3)

REAR YARD - See "Yard, Rear."

REAR SETBACK - The minimum horizontal distance between any building and the rear property line.

RECEIVING AREA - An area designated by this Ordinance as appropriate for development beyond the target density through the transfer of development rights.

RECLAMATION - The reasonable rehabilitation of the affected land for useful purposes, and the protection of the natural resources of the surrounding area. Although both the need for and the practicability of reclamation will control the type and degree of reclamation in any specific instance, the basic objective will be to establish on a continuing basis the vegetative cover, soil stability, water conditions and safety conditions appropriate to the area. (Source: The Mining Act of 1971, NCGS § 74-49)

RECLAMATION PLAN - The operator's written proposal as required and approved by the Department for reclamation of the affected land, which shall include but not be limited to:

- a. Proposed practices to protect adjacent surface resources;
- b. Specifications for surface gradient restoration to a surface suitable for the proposed subsequent use of the land after reclamation is completed, and proposed method of accomplishment;
- c. Manner and type of revegetation or other surface treatment of the affected areas;
- d. Method of prevention or elimination of conditions that will be hazardous to animal or fish life in or adjacent to the area;
- e. Method of compliance with State air and water pollution laws;
- f. Method of rehabilitation of settling ponds;
- g. Method of control of contaminants and disposal of mining refuse;
- h. Method of restoration or establishment of stream channels and stream banks to a condition minimizing erosion, siltation, and other pollution;
- i. Maps and other supporting documents as may be reasonably required by the Department; and
- j. A time schedule that meets the requirements of G.S. 74-53. (Source: Mining Act of 1971, NCGS § 74-49)

RECORDED/RECORD - Document(s) being placed in the indexed or coded files and book(s) of the County Clerk and Register of Deeds.

RECREATIONAL VEHICLE (RV) - A vehicle mounted on a single chassis and wheels, which is primarily designed to provide temporary living quarters for recreational, camping, travel, or seasonal use and either has its own motive power or is mounted on, or drawn by, a motor vehicle. Examples are: travel trailers, truck campers, camping trailers, and motor homes. For purposes of measuring length, the trailer hitch and/or trailer tongue shall be excluded.

REDEVELOPMENT - For purposes of Article 9, only, redevelopment means any rebuilding activity which has no net increase in built-upon area or which provides equal or greater stormwater control than the previous development, in accordance with the provisions of 15A NCAC 2H.100. (Source: 15A NCAC 2H.1002).

**REFERENCE LEVEL** – The top of the lowest floor for structures within Special Flood Hazard Areas designated as Zone A1-A30, AE, A, A99, or AO.

**REFUSE** - All waste soil, rock, mineral, scrap, tailings, slimes, and other material directly connected with the mining, cleaning, and preparation of substances mined and shall include all waste materials deposited on or in the permit area from other sources. (Source: The Mining Act of 1971, NCGS § 74-49)

**REGISTERED LAND SURVEYOR** - A person who, by reason of his special knowledge of mathematics, surveying principles and methods, and legal requirements which are acquired by education and/or practical experience, is qualified to engage in the practice of land surveying, as herein defined, as attested by his registration as a registered land surveyor by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. (Source: NCGS § 89C-3)

**REGULATION** - As used in this Ordinance, means an applicable provision of this Ordinance or any other requirement promulgated under this Ordinance.

**REGULATORY FLOOD PROTECTION ELEVATION** –The BASE FLOOD ELEVATION plus the FREEBOARD. In SPECIAL FLOOD HAZARD AREAS where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of FREEBOARD. In SPECIAL FLOOD HAZARD AREAS where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

**RELIGIOUS INSTITUTION** - A facility used primarily for religious assembly or worship and related religious activities.

**REMEDY A VIOLATION** – To bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

**RENDERER** - The business of rendering carcasses, or parts or products of the carcasses, of cattle, sheep, swine, goats, fallow deer, red deer, horses, mules, or other equines. (Source: § 106-549.15)

**REQUIRED SETBACK** - The distance required by Article 4 of this Ordinance between the building or other structure and the lot line or, for unsubdivided properties, the property line.

**RESEARCH FACILITY** - Any place, laboratory, or institution at which scientific tests, experiments, or investigations are carried out, conducted, or attempted. (Source: NCGS § 19A-23)

**RESERVATION** - Reservation of land does not involve any transfer of property rights. It constitutes an obligation to keep property free from development for a stated period of time.

**RESIDENTIAL CHILD-CARE FACILITY** - A staffed premise with paid or volunteer staff where children receive continuing full- time foster care. Residential child-care facility includes child-caring institutions, group homes, and children's camps which provide foster care. (Source: NCGS § 131D-10.2)

**RESIDENTIAL USE** - Includes all uses listed as residential in the Use Matrix.

**RESIDENT PLANT OR RESIDENT SPECIES** - A native species or higher taxon of plant growing in North Carolina. (Source: NCGS § 106-202.12)

**RESORT** - A building or group of buildings containing two (2) or more guest rooms, other than a boarding house, hotel or motel, and including outdoor recreational activities such as, but not limited to, horseback riding, golf course, swimming, tennis courts, shuffleboard courts, barbecue and picnic facilities, and dining facilities intended

for the primary use of its guests, but not including bars and restaurants which cater primarily to other than guests of the guest ranch/resort.

**RESOURCE EXTRACTION** - The on-site extraction of surface or sub-surface mineral products or other natural resources, including but not necessarily limited to quarries, burrow pits, sand and gravel operations, oil and gas extraction, and mining operations.

**RESTAURANT** - An establishment serving food and beverages where all service takes place within an enclosed building or accessory outdoor eating or food dispensing areas.

**RE-SUBDIVISION** - The changing of an existing parcel created by a plat and recorded with the County Clerk and Register of Deeds.

**RETAIL** - The sale of any tangible personal property in any quantity or quantities for any use or purpose on the part of the purchaser other than for resale. (Source: North Carolina Sales and Use Tax Act, NCGS § 105-164.3).

**RETAILER** - Every person engaged in the business of making sales of tangible personal property at retail, or peddling the same or soliciting or taking orders for sales, whether for immediate or future delivery, for storage, use or consumption. (Adapted from: North Carolina Sales and Use Tax Act, NCGS § 105-164.3)

**RETAINING WALL** - A manmade barrier constructed for the purpose of stabilizing soil, retarding erosion, or terracing a parcel or site.

**REVISION** - "Revision" means the changing and/or rescinding of zoning and other land use approvals following notice and an opportunity for objection. The status of the land use approvals, including zoning and/or subdivision approval(s) may be that which applied previously to the property or may be a new and/or different zoning or other land use status.

**REZONING** - An amendment to the Official Zoning Map as established and maintained according to § 4.4 and Appendix B to this Ordinance.

**RIDGE** - For purposes of any regulation or provision of this Ordinance applicable to mining, overburden removed from its natural position and deposited elsewhere in the shape of a long, narrow elevation. (Source: The Mining Act of 1971, NCGS § 74-49)

**RIGHT-OF-WAY** - A general term denoting land, property, or interest therein, usually in a strip, acquired for or devoted to transportation purposes; 2. The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian. For purposes of this Ordinance, the "Right-of-Way" for streets shall mean and refer to the boundaries of any right-of-way certified and/or registered by the NCDOT pursuant to NCGS § 136-19.4, a right-of-way recorded by the City for roads or streets, or a right-of-way reserved in a recorded subdivision plat. If no such documentation exists, or if such documentation cannot be located, the "Right-of-Way" shall mean and refer to the edge of the paved surface of the street.

**RIPARIAN ECOSYSTEM** - Living organisms (plants and animals) and habitat that occur in association with any spring, lake, watercourse, river, stream, creek,, or other body of water, either surface or subsurface.

**RIVER** - A flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, and small lakes. (Source: NCGS § 113A-33)

**RIVERINE** – Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**ROAD** - A public or private highway, hard-surface road, dirt road, or railroad. (Source: NCGS § 113A-33)

**ROADSIDE STAND** - An accessory structure for the seasonal retail sale of grown or produced food products on the

lot.

**ROADWAY** - The improved portion of a street within a right-of-way and/or easement.

**ROOF LINE** - The highest edge of the roof or the top of parapet, whichever establishes the top line of the structure when viewed in a horizontal plane.

**ROWHOUSE** - See "Townhouse."

**SALVAGE YARD** - An establishment whose primary function is the storing, dismantling, salvaging, recycling, scraping, purchase, sale and/or collection of equipment or materials such as automobiles, appliances, metals, glass, paper, wood products, petroleum products and/or machinery.

**SAFETY SERVICES** - Any of the following uses or activities classified under NAICS 922 (Justice, Public Order, and Safety Activities); NAICS 92212 (Police Protection), NAICS 92216 (Fire Protection), or NAICS 56162 (Security Systems Services); but not including NAICS 9221 (Justice, Public Order, and Safety Activities); 92211(Courts); 92213 (Legal Counsel and Prosecution); 92214 (Correctional Institutions); or 92215 (Parole Offices and Probation Offices, including Emergency Medical Services). "Safety Services" does not include any warehouse or facility devoted to the maintenance of police or fire equipment, or any gun range or shooting range.

**SANITARY LANDFILL** - A facility for disposal of solid waste on land in a sanitary manner in accordance with the rules concerning sanitary landfills adopted under this Article. (Source: NCGS § 130A-290)

**SAWMILL** - An operation or facility which has, as its predominant purpose, the sawing or planing of logs or trees into rough slabs. A "sawmill" is sometimes referred to as a "planing mill."

**SAWMILL, ACCESSORY** - A Sawmill which is operated as an incident to a construction site or another industrial or retail operation which is or will be established as a Primary Use on the same site.

**SCENIC EASEMENT** - A perpetual easement in land which (i) is held for the benefit of the people of North Carolina, (ii) is specifically enforceable by its holder or beneficiary, and (iii) limits or obligates the holder of the servient estate, his heirs, and assigns with respect to their use and management of the land and activities conducted thereon. The object of such limitations and obligations is the maintenance or enhancement of the natural beauty of the land in question or of the areas affected by it. (Source: NCGS § 113A-33). A "scenic easement" also includes a perpetual easement in land which

- a. is held for the benefit of the people of North Carolina,
- b. is specifically enforceable by its holder or beneficiary, and
- c. limits or obligates the holder of the servient estate, his heirs, and assigns with respect to their use and management of land and activities conducted thereon, the object of such limitations and obligations being the maintenance or enhancement of the natural beauty of the land in question or of areas affected by it.

(Source: North Carolina Trails System Act , NCGS § 113A-85)

**SCHOOL** - An institution of learning, such as elementary and secondary schools, colleges and universities, which offers instruction in several branches of learning and study, but not including business colleges, nursery schools, dancing schools, riding academies, or Business, Technical, Trade schools. Includes public, private, charter and community schools.

**SCHOOL, BOARDING** - An elementary school, middle-school, junior high school, or high school which provides lodging or dwelling for students or faculty on the same property.

**SCHOOL, BUSINESS OR TRADE** - A school, other than a college or university, which may be operated as a commercial venture, and which provides part-time or full-time education beyond the high school level and does not provide lodging or dwelling units for students or faculty. Includes technical and cosmetology schools. (See

NAICS 611).

**SCHOOL DISTRICT** - Any school district as defined in NCGS § 115C-69.

**SCHOOL PROJECT** - Any one or more buildings, structures, improvements, additions, extensions, enlargements or other facilities for use primarily as a dormitory or other housing facility, including housing facilities for student nurses, a dining hall and other food preparation and food service facilities, student union, administration building, academic building, library, laboratory, research facility, classroom, athletic facility, health care facility, laundry facility, and maintenance, storage or utility facility and other structures or facilities related thereto or required or useful for the instruction of students or the conducting of research or the operation of an institution for higher education, including parking and other facilities or structures essential or convenient for the orderly conduct of such institution for higher education, or any combination of the foregoing, and shall also include landscaping, site preparation, furniture, equipment and machinery and other similar items necessary or convenient for the operation of an institution for higher education or a particular facility, building or structure thereof in the manner for which its use is intended but shall not include such items as books, fuel, supplies or other items the costs of which are customarily deemed to result in a current operating charge, and shall not include any facility used or to be used for sectarian instruction or as a place of religious worship nor any facility which is used or to be used primarily in connection with any part of the program of a school or department of divinity for any religious denomination. (Source: Higher Educational Facilities Finance Act, NCGS § 115E-3)

**SCRAP AND SALVAGE SERVICES** - An establishment primarily engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse in their original forms, such as automotive wrecking yards, metal salvage yards, or paper salvage yards.

**SCREENING** - Shielding, concealing and effectively hiding from view of a person standing at ground level on an abutting site, or outside the area of the feature so screened by a wall, fence, hedge, berm or any combination of these methods, or any similar architectural or landscaped feature, such as a landscape perimeter strip or bufferyard. (See Landscape Standards).

**SEASONAL HIGH WATER TABLE** - The highest level that groundwater, at atmospheric pressure, reaches in the soil in most years (see 15A NCAC 2H.1002, which is hereby incorporated by this reference).

**SEDIMENT** - Solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin. (Source: the "Sedimentation Pollution Control Act of 1973, NCGS § 113A-52)

**SEDIMENTATION** - The process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land disturbing activity or into a lake or natural watercourse.

**SEDIMENTATION ACT** - The North Carolina Sedimentation Pollution Control Act of 1973 and all rules and orders adopted pursuant thereto.

**SEDIMENT AND EROSION CONTROL DEVICES** - Sediment fences, sediment traps, or other devices necessary to reduce sedimentation as required by this section.

**SEISMIC EFFECTS** - Direct and indirect effects caused by an earthquake or man-made phenomena.

**SENDING AREA** - An area designated by this Ordinance as a sending area appropriate for the conveyance of transferable development rights from the area.

**SENIOR HIGH SCHOOL** - A school which embraces the tenth, eleventh and twelfth grades. (Source: NCGS § 115C-75)

**SENSITIVE AREAS** - Critical Areas, slopes exceeding 3:1 (pre-development), critical wildlife habitat, stream



corridors, wetlands, ridge lines, and areas defined as visually vulnerable pursuant to the Environmental and Open Space Element of the Comprehensive Plan.

**SEPTAGE** - Solid waste that is a fluid mixture of untreated and partially treated sewage solids, liquids, and sludge of human or domestic origin which is removed from a wastewater system, including:

- a. Domestic septage, which is either liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works receiving only domestic sewage. Domestic septage does not include liquid or solid material removed from a septic tank, cesspool, or similar treatment works receiving either commercial wastewater or industrial wastewater and does not include grease removed from a grease trap at a restaurant.
- b. Domestic treatment plant septage, which is solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works where the designed disposal is subsurface. Domestic treatment plant septage includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes and a material derived from domestic treatment plant septage. Domestic treatment plant septage does not include ash generated during the firing of domestic treatment plant septage in an incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works.
- c. Grease septage, which is material pumped from grease interceptors, separators, traps, or other appurtenances used for the purpose of removing cooking oils, fats, grease, and food debris from the waste flow generated from food handling, preparation, and cleanup.
- d. Industrial or commercial septage, which is material pumped from septic tanks or other devices used in the collection, pretreatment, or treatment of any water-carried waste resulting from any process of industry, manufacture, trade, or business where the design disposal of the wastewater is subsurface. Domestic septage mixed with any industrial or commercial septage is considered industrial or commercial septage.

(Source: NCGS § 130A-290)

**SEPTAGE MANAGEMENT FIRM** - A person engaged in the business of pumping, transporting, storing, treating or disposing septage. The term does not include public or community wastewater systems that treat or dispose septage. (Source: NCGS § 130A-290)

**SEPTIC TANK SYSTEM** - A subsurface wastewater system consisting of a settling tank and a subsurface disposal field. (Source: NCGS § 130A-334)

**SERVICE LINES** - Electric, gas, communication, water, sewer, irrigation and drainage lines providing local distribution or collection service.

**SERVICE STATION** - A building or use devoted to the retail sale of fuels, lubricants, and other supplies for motor vehicles, including minor repair activities which are subordinate to the sale of petroleum products.

**SERVICE YARD AND/OR ENTRANCE** - An area and/or entrance to a structure, which is used for pickup and delivery, especially in conjunction with retail and wholesale outlets

**SETBACK** - The distance from the street (in the case of a Front Setback) or property line to the nearest part of the applicable Building, Structure, measured perpendicular to the street or property line, in front of which no structure may be erected.

**SETBACK LINE** - A line measured from the property line or future right-of-way line of a street, as applicable.

**SEWAGE** - Water-carried human waste discharged, transmitted, and collected from residences, buildings, industrial establishments, or other places into a unified sewerage system or an arrangement for sewage disposal or a group of such sewerage arrangements or systems, together with such ground, surface, storm, or other water as may be present. (Source: NCGS § 143-213) The term "sewage" also means the liquid and solid human body waste and liquid waste generated by water-using fixtures and appliances, including those associated with flood handling. The term does not include industrial process wastewater or sewage that is combined with industrial process wastewater. (Source: NCGS § 130A-334)

**SEWAGE DISPOSAL SYSTEM** - Any plant, system, facility, or property used or useful or having the present capacity for future use in connection with the collection, treatment, purification or disposal of sewage (including industrial wastes resulting from any processes of industry, manufacture, trade or business or from the development of any natural resources), or any integral part thereof, including but not limited to septic tank systems or other on-site collection or disposal facilities or systems, treatment plants, pumping stations, intercepting sewers, trunk sewers, pressure lines, mains and all necessary appurtenances and equipment, and all property, rights, easements and franchises relating thereto and deemed necessary or convenient by the authority for the operation thereof. (Source: NCGS § 162A-2)

**SEWERS** - Mains, pipes and laterals for the reception of sewage and carrying such sewage to an outfall or some part of a sewage disposal system, including pumping stations where deemed necessary by the authority. (Source: NCGS § 162A-2)

**SEWER SYSTEM** - Pipelines or conduits, pumping stations, and force mains, and all other construction, devices, and appliances appurtenant thereto, used for conducting wastes to a point of ultimate disposal. (Source: NCGS § 143-213) The term "sewer system" shall also include both sewers and sewage disposal systems and all property, rights, easements and franchises relating thereto. (Source: NCGS § 162A-2)

**SEXUALLY ORIENTED DEVICES** - Any artificial or simulated specified anatomical area or other device or paraphernalia that is designed principally for specified sexual activities but shall not mean any contraceptive device. (Source: NCGS § 14-202.10)

**SEXUALLY-ORIENTED BUSINESS** - Any businesses or enterprises that have as one of their principal business purposes or as a significant portion of their business an emphasis on matter and conduct depicting, describing, or related to anatomical areas and sexual activities specified in NCGS § 14-202.10. A "Sexually-Oriented Business" includes any Adult Establishment. (Source: NCGA §§ 160A-181.1; 14-190.13; 14-202.10). See § 7.36 of this Ordinance.

**SHOPPING CENTER** - A group of stores planned and designed for the site on which it is built, functioning as a unit, with off-street parking, landscaped areas, and pedestrian malls or plazas provided on the property as an integral part of the unit.

**SHOULDER** - The earthen soil, clay, or gravel or turf section of pavement support extending from the outer pavement edge to the bottom of a side ditch including shoulder sections which are paved. (Source: 19A NCAC § 20.0404).

**SIDEWALK** - The portion of a street or cross walkway, paved or otherwise surfaced, intended for pedestrian use only.

**SIDE SETBACK** - The minimum horizontal distance between any building and the side property line.

**SIGNIFICANT ADVERSE IMPACT** - Impacts from activities that result in or contribute to any of the following consequences:

1. Alteration of the wetland or river stream environment, including alteration which results from activities such as grading of slopes and banks, creation of impervious surfaces, removal of native vegetation, placement of fill within a wetland or river stream or associated riparian ecosystem;
2. Disturbance or taking of wildlife, aquatic life, or other natural resources or habitats;
3. Alteration of base flood elevations;
4. Alteration of existing hydrologic or aquatic systems;
5. Degradation of aesthetic, scenic or cultural values associated with the ecosystem;
6. Degradation of environmental quality, including water quality, plant and wildlife communities, and ecosystem functions and stability.

**SITE EVALUATION** - An investigation to determine if a site meets all federal and State standards as evidenced by the Waste Management Facility Site Evaluation Report on file with the Soil and Water Conservation District office or a comparable report certified by a professional engineer or a comparable report certified by a technical specialist approved by the North Carolina Soil and Water Conservation Commission. (Source: NCGS § 106-802, Swine Farm Siting Act)

**SILTATION** - Sediment resulting from accelerated erosion which is settleable or removable by properly designed, constructed, and maintained control measures; and which has been transported from its point of origin within the site of a land disturbing activity; and which has been deposited, or is in suspension in water.

**SINGLE-FAMILY RESIDENTIAL COMPLEX** - A group of single-family dwellings designed for individual separate ownership with unified management that provides common services and outdoor recreational facilities, but not including public bars, public restaurants or any commercial activity in connection therewith.

**SINGLE-FAMILY RESIDENTIAL DWELLING** - A separately owned residence for use by one family as a housekeeping unit with space for eating, living, and permanent provisions for cooking and sanitation. See NCGS § 87-15.5).

**SITE SPECIFIC DEVELOPMENT PLAN (SSDP)** - A plan which has been submitted to a city by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such plan may be in the form of, but not be limited to, any of the following plans or approvals: A planned unit development plan, a subdivision plat, a preliminary or general development plan, a conditional or special use permit, a conditional or special use district zoning plan, or any other land-use approval designation as may be utilized by a city. Unless otherwise expressly provided by the City, such a plan shall include the approximate boundaries of the site; significant topographical and other natural features effecting development of the site; the approximate location on the site of the proposed buildings, structures, and other improvements; the approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways. What constitutes a site specific development plan under this section that would trigger a vested right shall be finally determined by the City pursuant to Article 13 of this Ordinance, and the document that triggers such vesting shall be so identified at the time of its approval. A variance shall not constitute a site specific development plan, and approval of a site specific development plan with the condition that a variance be obtained shall not confer a vested right unless and until the necessary variance is obtained. Neither a sketch plan nor any other document which fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property may constitute a site specific development plan. (Source: NCGS § 160A-385.1)

**SITE PLAN** - A development plan of one or more lots on which is shown (1) the existing and proposed conditions of the lot, including but not limited to topography, vegetation, drainage, flood plains, wetlands and waterways; (2) the location of all existing and proposed buildings, drives, parking spaces, walkways, means or ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting, screening devices; (3) the location of building pads for all residential and non-residential buildings; and (4) and location and extent of all external buffers from surrounding areas.

**SKETCH PLAN** - A sketch preparatory to the preliminary plat or site plan (or final plat or site plan in the case of minor subdivisions or conditional use permits) to enable the subdivider to save time and expense in reaching general agreement with the platting authority as to the form of the plat and the objectives of this Ordinance.

**SLAUGHTERHOUSE** - A building or structure where livestock is slaughtered and prepared for distribution to butcher shops or retail sales establishments such as grocery stores. A slaughterhouse is designed to accommodate the confinement and slaughtering of live animals and may include packing, treating, storage and/or sale of the product on the premises.

**SLOPE** - A vertical rise in feet measured over a horizontal distance, expressed as a percentage, measured generally at

right angles to contour lines.

**SLUDGE** - Any solid, semisolid or liquid waste generated from a municipal, commercial, institutional or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility, or any other waste having similar characteristics and effects. (Source: NCGS § 130A-290)

**SOIL SURVEY** - The Soil Survey of Cabarrus County, North Carolina, published by the Soil Conservation Survey of the U.S. Department of Agriculture, dated September 1988, which document is hereby incorporated by this reference.

**SOLID MASONRY** - Load-bearing or nonload-bearing construction using masonry units where the net cross-sectional area of cored brick in any plane parallel to the surface containing the cores shall be not less than 75 percent of its gross cross-sectional area. No part of any hole shall be less than 3/4 inch (19.1 mm) from any edge of the brick. Solid masonry units shall conform to ASTM C 55, C 62, C 73, C 145 or C 216. (Source: North Carolina State Building Code, Vol. VII, § 202).

**SOLID WASTE** - Any hazardous or nonhazardous garbage, refuse or sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, domestic sewage and sludges generated by the treatment thereof in sanitary sewage collection, treatment and disposal systems, and other material that is either discarded or is being accumulated, stored or treated prior to being discarded, or has served its original intended use and is generally discarded, including solid, liquid, semisolid or contained gaseous material resulting from industrial, institutional, commercial and agricultural operations, and from community activities. The term does not include:

- a. Fecal waste from fowls and animals other than humans.
- b. Solid or dissolved material in
  1. Domestic sewage and sludges generated by treatment thereof in sanitary sewage collection, treatment and disposal systems which are designed to discharge effluents to the surface waters.
  2. Irrigation return flows.
  3. Wastewater discharges and the sludges incidental to and generated by treatment which are point sources subject to permits granted under Section 402 of the Water Pollution Control Act, as amended (P.L. 92-500), and permits granted under G.S. 143-215.1 by the Environmental Management Commission. However, any sludges that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this Article.
- c. Oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the General Statutes. However, any oils or other liquid hydrocarbons that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this Article.
- d. Any source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2011).
- e. Mining refuse covered by the North Carolina Mining Act, G.S. 74-46 through 74-68 and regulated by the North Carolina Mining Commission (as defined under G.S. 143B-290). However, any specific mining waste that meets the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this Article.

(Source: NCGS § 130A-290)

**SOLID WASTE DISPOSAL FACILITY** - A facility involved in the disposing of solid waste as defined in NCGS 130A-290(a)(35).

**SOLID WASTE DISPOSAL SITE** - Any place at which solid wastes are disposed of by incineration, sanitary landfill or any other method as defined in NCGS § 130A-290(a)(36).

**SOLID WASTE MANAGEMENT FACILITY** - Land, personnel and equipment used in the management of solid waste. (Source: NCGS § 130A-290)

**SOUND MANAGEMENT PROGRAM** - A program of production designed to obtain the greatest net return from the land consistent with its conservation and long-term improvement. (Source: NCGS § 105- 277.2).

**SPECIAL CONCERN SPECIES** - Any species of plant in North Carolina which requires monitoring but which may be collected and sold under regulations adopted under the provisions of this Article. (Source: NCGS § 106-202.12)

**SPECIAL FLOOD HAZARD AREA (SFHA)** – The land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Section 4.14.5 of this Ordinance.

**SPECIFIC PLAN** - A document encompassing a specific geographic area of the Governing Agency which is prepared for the purpose of specifically implementing the Comprehensive Plan by (1) refining the policies of the Comprehensive Plan to a specific geographic area; and (2) containing specific recommendation as to the detailed policies and regulations applicable to a focused development scheme. The specific plan shall consist of goals, objectives and policies; requirements for capital improvements; the level of service required for public facilities; physical and environmental conditions; housing and land use characteristics of the area; and maps, diagrams and other appropriate materials showing existing and future conditions.

**SPECIFIED ANATOMICAL AREAS** - Means: 1.) Less than completely and opaquely covered: (i) human genitals, pubic region, (ii) buttock, or (iii) female breast below a point immediately above the top of the areola; or 2.) Human male genitals in a discernibly turgid state, even if completely and opaquely covered. (Source: NCGS § 14-202.10)

**SPECIFIED SEXUAL ACTIVITIES** - Means: 1.) Human genitals in a state of sexual stimulation or arousal; 2.) Acts of human masturbation, sexual intercourse or sodomy; or 3.) Fondling or other erotic touchings of human genitals, pubic regions, buttocks or female breasts. (Source: NCGS § 14-202.10)

**SPOIL BANK** - A deposit of excavated overburden or refuse. (Source: The Mining Act of 1971, NCGS § 74-49)

**SQUARE** - Open space that may encompass an entire block, is located at the intersection of important streets, and is set aside for civic purposes, with landscape consisting of paved walks, lawns, trees, and monuments or public art.

**STABLE, COMMERCIAL** - A stable of horses, mules, or ponies which are let, hired, used or boarded on a commercial basis and for compensation. This facility may offer equestrian lessons and may include a show arena and viewing stands. See § 5.5 of this Ordinance.

**STABLE, PRIVATE** - A detached accessory building for the keeping of horses, mules, or ponies owned by the occupants of the premises and not kept for remuneration, hire or sale.

**STAFF** – Unless otherwise indicated, the staff of the Planning Department.

**START OF CONSTRUCTION** - Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvements was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent-construction of a structure on a site, such as the pouring of slab or footings, the installation of pilings, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

**STATE HIGHWAY** - Street or highway on the State Highway System.

**STATE HIGHWAY SYSTEM** - The system of streets and highways as described in NCGS § 136-44.1. (Source: 19A NCAC § 20.0404).

**STORM DRAINAGE FACILITIES** - The system of inlets, conduits, channels, dikes and appurtenances which serve to collect and convey stormwater through and from a given drainage area.

**STORMWATER** - The flow of water which results from precipitation and which occurs immediately following rainfall or a snowmelt. (Source: NCGS § 143-213)

**STORMWATER COLLECTION SYSTEM** - As defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

**STORMWATER RUNOFF** - The direct runoff of water resulting from precipitation in any form. (Source: 15A NCAC § 4A.0005).

**STORY** - That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the surface of such floor and the ceiling or roof above it.

**STORY ABOVE GRADE** - Any story having its finished floor surface entirely above grade except that a basement shall be considered as a story above grade when the finished surface of the floor above the basement is: (1) More than 6 feet (1829 mm) above grade plane; (2) More than 6 feet (1829 mm) above the finished ground level for more than 50 percent of the total building perimeter; or (3) More than 12 feet (3658 mm) above the finished ground level at any point. (Source: North Carolina State Building Code, Vol. VII, § 202).

**STREAM** - A watercourse that collects surface runoff from an area of one square mile or greater. This does not include flooding due to tidal or storm surge on estuarine or ocean waters. (Source: NCGS § 143-215.52).

**STREET** - Any public thoroughfare, street, avenue, or boulevard which has been dedicated or deeded to the public for public use. (Source: North Carolina State Building Code, Vol. 1, § 201.3). Includes any Road.

**STREET FRONTAGE** - The distance for which a lot line of a lot adjoins a public street, from one lot line intersecting said street to the furthest distance lot line intersecting the same street.

**STREET LINE** - A lot line dividing a lot from a street. (Source: North Carolina State Building Code, Vol. 1, § 202).

**STRIP DEVELOPMENT** - A form of development characterized by the following:

- 1 the primary uses are commercial or retail in nature;
- 2 the development site takes direct access from an Arterial or Collector Road;
- 3 the site contains parking located above ground level and lying between the accessed roadway and the primary buildings; and
- 4 the site is characterized by substantial frontage along the road or roads from which it takes primary or secondary access, or by numerous access points along a roadway serving primarily retail and/or commercial uses.

**STRUCTURAL ALTERATION** - Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders or any complete rebuilding of the roof or exterior walls.

**STRUCTURE** - Anything constructed or erected which requires location on or in the ground or is attached to something having a location on the ground or anything as defined by the Building Code. Includes, but is not limited to gas, liquid, and liquefied storage tanks, modular homes, manufactured homes, or other building of any kind. Structures do not include ditches and their appurtenances, poles, lines, cables, or transmission or distribution facilities of public utilities, freestanding mailboxes, on-grade slabs, walks, driveways, landscaping materials or fences. Includes both permanent and temporary structures.

STRUCTURE, MAIN OR PRINCIPAL - See "Building, Main or Principal."

STRUCTURE, PERMANENT - Anything constructed or erected within a required location on the ground or which is attached to something having location on the ground, including a fence or free-standing wall.

STRUCTURE, TEMPORARY - A moveable structure not designed for human occupancy or for the protection of goods or chattel, and not forming an enclosure, and placed on a parcel of land for a period of time equal to one (1) year or less..

STUB-OUT (STUB-STREET) - A portion of a street or cross access drive used as an extension to an abutting property that may be developed in the future.

SUBDIVIDE or "SUBDIVIDE LAND" - The act or process of creating a Subdivision.

SUBDIVIDER - Any Person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises to sell, lease, or develop, any interest, lot, parcel site, unit, or plat in a subdivision, or, who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit or plat in a subdivision, and who (4) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

SUBDIVISION – <sup>(1)</sup>All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this Part:

- 1 The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the municipality as shown in its subdivision regulations;
- 2 The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved;
- 3 The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors, and
- 4 The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality, as shown in its subdivision regulations.

SUBGRADE - The foundation layer of a street.

SUBSIDIARY - A person who is directly, or indirectly through one or more intermediaries, controlled by another person.

SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. Substantial damage also means flood-related damage sustained to a structure on tow separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent (25%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the START OF CONSTRUCTION of the improvement. This term includes structures which have incurred SUBSTANTIAL DAMAGE, regardless of the actual repair work performed. The term does not, however, include either:



1. any correction of existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

**SUPERSTORE** - A retail structure or group of structures have a total of in excess of twenty-five thousand (25,000) square feet of Gross Floor Area.

**SURFACE, IMPERVIOUS** - See Impervious Surface.

**SURVEYOR** - A land surveyor registered by the State of North Carolina.

**SWALE** - An elongated depression in the land surface that is at least seasonally wet, is usually heavily vegetated, and is normally without flowing water. Swales direct storm water flows into primary drainage channels and allow some of the storm water to infiltrate into the ground surface.

**SWIMMING POOL, PRIVATE** - A pool established or maintained on any premises by an individual for use by his/her family or guests of his/her household.

**SWINE FARM** - A tract of land devoted to raising 250 or more animals of the porcine species. (Source: NCGS § 106-802, Swine Farm Siting Act)

**SWINE HOUSE** - A building that shelters porcine animals on a continuous basis. (Source: NCGS § 106-802, Swine Farm Siting Act)

**TELEVISION, RADIO AND FILM STATION**- A facility for the production of films and/or the production and broadcast of television and radio programs including but not necessarily limited to: offices, dressing rooms, studios, sound stages, file rooms, and set stage, but not including transmitting facilities.

**TEMPORARY** - Unless otherwise specified, for a period of time less than or equal to one (1) year.

**TEMPORARY USE** - See Use, Temporary.

**TEN-YEAR STORM** - The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in ten (10) years, and of a duration which will produce the maximum peak rate of runoff, for the watershed of interest under average antecedent wetness conditions. (Source: 15A NCAC 2H.1002; Sedimentation Control Standards).

**THOROUGHFARE** - A Major or Minor Thoroughfare or an arterial or collector street as identified on the Thoroughfare Plan.

**THOROUGHFARE PLAN** - The document entitled Cabarrus - South Rowan Urban Area Transportation Plan prepared by the Statewide Planning Branch, Division of Highways, North Carolina Department of Transportation and dated October 1997 (or newer edition as amended), which document is hereby incorporated by this reference.

**THREATENED SPECIES** - Any resident species of plant which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range, or one that is designated as threatened by the Federal Fish and Wildlife Service. (Source: NCGS § 106-202.12)

**THROUGH LOT** - See "Lot, Through."

**TIME SHARE** - A "time share" as defined in NCGS 93A-41(9).

**TIRE COLLECTION SITE** - A site used for the storage of scrap tires. (Source: NCGS § 130A-309.53)

**TIRE PROCESSING SITE** - A site actively used to produce or manufacture usable materials, including fuel, from scrap tires. (Source: NCGS § 130A-309.53)

**TOTAL PERMISSIBLE DWELLING UNITS OR SQUARE FOOTAGE** - The total density or intensity of a project computed pursuant to Section 4.7 of this Ordinance.

**TOWNHOUSE** - A single-family dwelling unit constructed in a series, group or row of attached units separated by property lines and with a yard on at least two sides. (Source: North Carolina State Building Code, Vol. 1, § 201.2 and Vol. VII, § 202). The term "townhouse" also includes a single-family dwelling constructed in a series or group of attached units with property lines separating each unit. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

**TOXIC WASTE** - That waste, or combinations of wastes, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction) or physical deformities, in such organisms or their offspring. (Source: NCGS § 143-213)

**TRACT** - All contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.

**TRAIL** - Any paved greenway, unpaved greenway, or wildlife/botanical greenway dedicated to public use. The term "trail" includes:

1. Park trail. -- A trail designated and managed as a unit of the North Carolina State Parks System under NCGS Chapter 113, Article 2C.
2. Designated trail. -- A trail designated by the Secretary pursuant to this Article as a component of the State trails system and that is managed by another governmental agency or by a corporation listed with the Secretary of State.
3. A State scenic trail, State recreation trail, or State connecting trail under NCGS 113A-86 when the intended primary use of the trail is to serve as a park trail or designated trail.
4. Any other trail that is open to the public and that the owner, lessee, occupant, or person otherwise in control of the land on which the trail is located allows to be used as a trail without compensation, including a trail that is not designated by the Secretary as a component of the State trails system

(Source: North Carolina Trails System Act, NCGS § 113A-85)

**TRANSFER STATION, HAZARDOUS** - A facility used for storage of non-hazardous waste for a period of less than ninety (90) days.

**TRANSIENT** - Housing or accommodations which are typically occupied by residents for periods of two (2) weeks or less, including, but not limited to, hotels, motels and travel lodges.

**TRANSIT SYSTEM** - The property, equipment and improvements of whatever nature owned, used, constructed, maintained, controlled or operated to provide mass transportation for passengers or to provide for the movement of people, including park-and-ride stations, transfer stations, parking lots, malls, and skyways.

**TRANSIT STATION** - Any Structure or Transit Facility that is primarily used, as part of a Transit System, for the purpose of loading, unloading, or transferring passengers or accommodating the movement of passengers from one mode of transportation to another.

**TRANSIT FACILITY** - All real and personal property necessary or useful in rendering transit service by means of rail, bus, water and any other mode of travel including, without limitation, tracks, rights of way, bridges, tunnels, subways, rolling stock for rail, motor vehicles, stations, terminals, areas for parking and all equipment, fixtures, buildings and structures and services incidental to or required in connection with the performance of transit service.

**TRANSIT TERMINAL** - A commercial or public facility for the loading and unloading of passengers, luggage, and packages, including sales of fares, and which may include accessory restaurants, indoor commercial amusements, and retail sales, but not including airports.

**TRANSMISSION LINES** - Electric lines (115 KV and over) and appurtenant facilities, or pipelines/conveyors (ten (10) inches diameter or larger) and appurtenant facilities for transporting natural resources, chemicals, petroleum derivatives, or waste substances.

**TRAVEL TRAILER** - A vehicle or portable unit mounted on its own chassis and wheels which does not exceed eight feet (8') in width and/or forty feet (40') in length, is drawn by a motor vehicle, and provides temporary living quarters for recreational, camping or travel use.

**TREATMENT WORKS** - Any plant, septic tank disposal field, lagoon, pumping station, constructed drainage ditch or surface water intercepting ditch, incinerator, area devoted to sanitary landfill, or other works not specifically mentioned herein, installed for the purpose of treating, equalizing, neutralizing, stabilizing or disposing of waste. (Source: NCGS § 143-213).

**TRIPLEX** - A building which contains three dwelling units, each of which has direct access to the outside or to a common hall.

**TRUCK CAMPER** - A portable unit consisting of a roof, floor and sides designed to be loaded onto, and unloaded from, the bed of a pickup truck, and provides temporary living quarters for recreational, camping or travel use.

**TRUCK AND MULTI-MODAL TERMINAL** - A facility for truck loading and unloading and cargo storage.

**TRUCK PARKING AREA** - An area for the parking of trucks which are often left with either their motors running and/or their refrigerator unit motors operating.

**TWENTY-FIVE YEAR STORM** - The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in 25 years, and of a duration which will produce the maximum peak rate of runoff, from the watershed of interest under average antecedent wetness conditions.

**UNCOVERED** - The removal of ground cover from, on, or above the soil surface.

**UNDERGROUND PRESSURIZED IRRIGATION SYSTEM** - A watering system for landscaped areas, consisting of underground pressurized pipes connected to sprinkler heads, bubbler heads, or drip systems such that one hundred percent (100%) irrigation water coverage is provided.

**UNDERLYING DISTRICT or UNDERLYING ZONING DISTRICT** - A standard zoning district classification which is combined with an overlay district for purposes of development regulation specificity. The base (underlying) district regulations shall apply unless expressly superseded by overlay district provisions.

**UNIQUE OR SPECIAL AREAS PARKS** - Any unique or special area as defined in the Cabarrus County Parks and Recreation Master Plan.

**UNSUITABLE OR UNSTABLE SLOPE** - An area susceptible to a landslide, a mudflow, a rockfall or accelerated creep of slope-forming materials.

**UPZONING** - The reclassification of land from a Residential to a Non-residential Zoning District, or to a Zoning District which permits greater density or intensity than the current zoning classification of the property.

**USE** - The purpose or purposes for which land or a building is occupied, maintained, arranged, designed, or intended.

**USE, APPROVED** - Any use that is or may be lawfully established in a particular district or districts, provided that it conforms with all requirements of these regulations for the district in which such use is located.

USE MATRIX - The schedule of permitted uses, conditional uses and accessory uses within each zoning district set forth in Table 4.6-1 of this Ordinance.

USE PERMITS - Approval, with appropriate stipulations, by the Governing Agency after public hearing of a use, structure, condition or manner of operation in conjunction with an otherwise permitted use which, by ordinance, requires the property owner or applicant to obtain such a permit.

USE, QUASI-PUBLIC - Uses which are considered to be dedicated to public service or to culture. These uses include, for the purposes of this Code, public, schools, hospitals, universities and churches.

USE, TEMPORARY - A use that is established for one (1) year or less, with the intent to discontinue such use upon the expiration of such time, and that does not involve the construction or alteration of any permanent structure. See § 5.22 of this Ordinance.

USE, VARIANCE - A variance as to the permissible use of land, including a variance that in effect grants a development permit. A use variance is not permitted under North Carolina law.

USED OIL RECYCLING FACILITY - Any facility that recycles more than 10,000 gallons of used oil annually. (Source: NCGS § 130A-290)

UTILITY POLE - Pole used to support essential services such as power, telephone, or cable TV lines; or used to support street or pedestrian way lighting, typically located in public rights-of-way.

UTILITIES - Services and facilities provided by public agencies and public monopolies such as electrical and gas service, water (domestic and irrigation), sewage disposal, drainage systems, and solid waste disposal.

UTILITY FACILITIES - Buildings, structures, or land used by a utility, railroad, or governmental agency for uses such as, but not necessarily limited to, water or sewage treatment plants or pumping stations, substations, telephone exchanges, and resource recovery facilities, but not including land, buildings, or structures used solely for storage and maintenance of equipment and materials.

UTILITY SERVICE YARDS - Buildings, structures or land used by a utility, railroad, or governmental agency solely for the purpose of storing and maintaining equipment and materials.

VALANCE - A short apron which is designed and installed as part of a canopy/awning and is usually, but not necessarily vertical.

VARIANCE - A grant of relief from the requirements of this Ordinance which permits development in a manner that would otherwise be prohibited by this Ordinance.

VEGETATIVE BUFFER - An area of natural or established vegetation directly adjacent to surface waters through which stormwater runoff flows in a diffuse manner to protect surface waters from degradation, as more defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

VEGETATIVE FILTER - An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner, so that runoff does not become channelized, as more particularly defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

VEGETATIVE GROUND COVER - Wood bark, shredded or chipped wood (installed over an adequate mat of fabric weed barrier), sod, or live plants.

VEHICLE - Any self-propelled device in, upon, or by which any person or property may be transported upon a public highway excepting devices moved by human power or used exclusively upon stationary rails or tracks.

**VEHICLE, ABANDONED OR JUNK** - A vehicle or any major portion thereof which is incapable of movement under its own power and will remain without major repair or reconstruction.

**VEHICLE, COMMERCIAL** - Any motor vehicle with a manufacturer's chassis rating greater than one ton.

**VEHICLE, MOTOR** - A device, in, upon or by which any person or property is or may be transported or drawn upon a road of highway, except devices moved by human power, devices used exclusively upon stationary rails or tracks and snowmobiles. For the purpose of these regulations "motor vehicles" are divided into two (2) divisions:

First Division: Those motor vehicles which are designed for the carrying of not more than ten (10) persons.

Second Division: Those motor vehicles which are designed for carrying more than ten (10) persons, those designed or used for living quarters, and those vehicles which are designed for pulling or carrying property, freight or cargo, those motor vehicles of the first division remodeled for use and used as motor vehicles of the second, and those motor vehicles of the first division used and registered as school buses. All trucks shall be classified as motor vehicles of the second division.

**VERY LOW INCOME HOUSING** - Dwelling units reserved for occupancy or ownership by persons or households whose annual gross income does not exceed fifty percent (50%) of the area median household gross income for households of the same size in the Charlotte metropolitan statistical area, as defined by the U.S. Department of Housing and Urban Development in 24 C.F.R., Part 813.

**VESTED RIGHT** - The right to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan or an approved phased development plan for a specified time, regardless of changes in this Ordinance. (Source: NCGS § 160A-385.1)

**VETERINARIAN** - A facility or establishment rendering surgical and medical treatment to animals, which may include overnight accommodations for purposes of recovery or boarding. For the purpose of these regulations, small animals shall be deemed to be ordinary household pets, excluding horses, donkeys, or other such animals not normally housed or cared for entirely within the confines of a residence. Crematory facilities shall not be allowed in a veterinarian establishment.

**VIOLATION** – The failure of a structure or other development to be fully compliant with the Community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance is presumed to be in violation until such time as that documentation is provided.

**WALL, EXTERIOR** - A wall, bearing or nonbearing, which is used as an enclosing wall for a building, other than a party wall or fire wall. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

**WAREHOUSING AND DISTRIBUTION, GENERAL** - An establishment offering indoor or open-air storage and distribution and handling of materials and equipment, such as vehicle storage, monument or stone yards, grain elevators, or open storage yards.

**WAREHOUSING AND STORAGE** - Buildings used for the rental of space to the public for the storage of merchandise, commodities or personal property and where access is under the control of the building management, but excluding the warehousing and storage of explosive, corrosive noxious materials, such as dust, fumes or noise that could be dangerous, injurious, distasteful, pernicious or obnoxious to man, other organisms or properties.

**WASTE-RELATED USE** - Any of the following, (see Use Matrix and this Appendix A for rules of interpretation: Concentrated Animal Feeding Operation or Animal Production; Demolition Landfill; Hazardous Waste facility; Land Clearing and Inert Debris Landfill; Materials Recovery Facility; Salvage Yard; Septic and Other Waste Management Service; Slaughter House; Solid Waste Disposal Facility (including any Landfill, Incinerator or Combustor); Hazardous Waste Collection facility; or Nonhazardous Waste Collection facility.

**WASTEWATER** - Any sewage or industrial process wastewater discharged, transmitted, or collected from a residence, place of business, place of public assembly, or other places into a wastewater system. (Source: NCGS § 130A-334).

**WASTEWATER COLLECTION SYSTEM** - A unified system of pipes, conduits, pumping stations, force mains, and appurtenances other than interceptor sewers, for collecting and transmitting water-carried human wastes and other wastewater from residences, industrial establishments or any other buildings, and owned by a local government unit. (Source: NCGS § 159G-3).

**WASTEWATER FACILITIES** - Structures or systems designed for the collection, transmission, treatment or disposal of sewage and includes trunk mains, interceptors, and treatment plants, including package treatment plant and disposal systems, and on-site septic systems.

**WASTEWATER SYSTEM** - A system of wastewater collection, treatment, and disposal in single or multiple components, including a privy, septic tank system, public or community wastewater system, wastewater reuse or recycle system, mechanical or biological wastewater treatment system, any other similar system, and any chemical toilet used only for human waste. (Source: NCGS § 130A-334).

**WATER DEPENDENT STRUCTURES** - As defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

**WATER FACILITIES** - Systems or structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, storage facilities, and transmission and distribution mains.

**WATER POLLUTION** - The man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of the waters of the State, including, but specifically not limited to, alterations resulting from the concentration or increase of natural pollutants caused by man-related activities. (Source: NCGS § 143-213).

**WATER POLLUTION CONTROL FACILITY** - Any structure, equipment or other facility for, including any increment in the cost of any structure, equipment or facility attributable to, the purpose of treating, neutralizing or reducing liquid industrial waste and other water pollution, including collecting, testing, neutralizing, stabilizing, cooling, segregating, holding, recycling, or disposing of liquid industrial waste and other water pollution, including necessary collector, interceptor, and outfall lines and pumping stations, which shall have been certified by the agency exercising jurisdiction to be in furtherance of the purpose of abating or controlling water pollution. (Source: NCGS § 159C-3).

**WATER POLLUTION CONTROL SYSTEM** - A system for the collection, treatment, or disposal of waste for which a permit is required under rules adopted by either the North Carolina Environmental Management Commission or the Commission for Health Services. (Source: NCGS § 90A-46).

**WATER SUPPLY SYSTEM** - A public water supply system consisting of facilities and works for supplying, treating and distributing potable water including, but not limited to, impoundments, reservoirs, wells, intakes, water filtration plants and other treatment facilities, tanks and other storage facilities, transmission mains, distribution piping, pipes connecting the system to other public water supply systems, pumping equipment and all other necessary appurtenances, equipment and structures. (Source: NCGS § 159G-3).

**WATER SURFACE ELEVATION (WSE)** – The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplain of coastal or riverine areas.

**WATER SYSTEM** - All plants, systems, facilities or properties used or useful or having the present capacity for future use in connection with the supply or distribution of water or the control and drainage of stormwater runoff and any integral part thereof, including but not limited to water supply systems, water distribution systems, structural and natural stormwater and drainage systems of all types, sources of water supply including lakes, reservoirs and

wells, intakes, mains, laterals, aqueducts, pumping stations, standpipes, filtration plants, purification plants, hydrants, meters, valves, and all necessary appurtenances and equipment and all properties, rights, easements and franchises relating thereto and deemed necessary or convenient by the authority for the operation thereof. (Source: NCGS § 162A-2).

**WATER SYSTEM IMPROVEMENTS OR SEWER SYSTEM IMPROVEMENTS** - Such repairs, replacements, additions, extensions and betterments of and to a water system or a sewer system as are deemed necessary by the authority to place or to maintain such system in proper condition for its safe, efficient and economic operation or to meet requirements for service in areas which may be served by the authority and for which no existing service is being rendered. (Source: NCGS § 162A-2).

**WATER TREATMENT FACILITY** - Any facility or facilities used or available for use in the collection, treatment, testing, storage, pumping, or distribution of water for a public water system. (Source: NCGS § 90A-20.1).

**WATERCOURSE** - Any lake, river, stream, creek, wash, channel or other topographic feature on or over water flows at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

**WATERS** - Any stream, river, brook, swamp, lake, sound, tidal estuary, bay, creek, reservoir, waterway, or other body or accumulation of water, whether surface or underground, public or private, or natural or artificial, that is contained in, flows through, or borders upon any portion of the City. (Source: NCGS § 143-212).

**WATERSHED** - A natural area of drainage, including all tributaries contributing to the supply of at least one major waterway within the State, the specific limits of each separate watershed to be designated by the North Carolina Environmental Management Commission. (Source: NCGS § 143-213).

**WATERSHED COMMISSION** - The Cabarrus County Watershed Improvement Commission.

**WET DETENTION POND** - As defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

**WETLAND** - Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands shall be designated in accordance with the Corps of Engineers Wetlands Delineation Manual (United States Department of Commerce, National Technical Information Service, January 1987). Copies of the Wetland Delineation Manual may be obtained by contacting the National Technical Information Service.

**WIND-DRIVEN SIGN** - Consists of one (1) or more banners, flags, pennants, ribbons, spinners, streamers, captive balloons or other objects or materials designed or intended to move when subject to pressure by wind or breeze and by that movement attract attention and function as a sign (see definition of SIGN).

**WOODLAND** - All forest areas, both timber and cut-over land, and all second-growth stands on areas that have at one time been cultivated. (Source: NCGS § 113-57).

**YARD** - An open unoccupied space, other than a Court, unobstructed from the ground to the sky, on the Lot on which a Building is situated. (Source: North Carolina State Building Code, Vol. 1, § 202 and Vol. VII. § 202).

**YARD, FRONT** - A yard extending across the front width of a lot and being the minimum horizontal distance between the street line and the principal building or any projection thereof, other than steps, unenclosed balconies and unenclosed porches. The front yard of a corner lot is the yard adjacent to the designated front lot line.

**YARD, REAR** - A yard extending between the side yards of a lot or between the side lot lines in the absence of side yards, and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projection thereof, other than steps, unenclosed balconies or unenclosed porches. On corner lots and interior lots the rear yard is in all cases at the opposite end of the lot from the front yard.

**YARD, REQUIRED** - The minimum open space as specified by the regulations of this Ordinance for front, rear and side yards, as distinguished from any yard area in excess of the minimum required. See "Buildable Area."

**YARD, SIDE** - A yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building. This side yard definition may apply for three sides of a flag lot if the flag pole portion of the lot exceeds the front yard setback. Where a lot has sufficient land area, the side yard may exceed the minimum side setback as specified in § 4.7 of this Ordinance. (See Figure in definition of "required setback.") An interior side yard is defined as the side yard adjacent to a common lot line.

**YARD SALE** - An outdoor sale of merchandise conducted entirely upon a residentially or institutionally developed lot by one (1) or more households or civic groups where goods are limited primarily to used merchandise donated by the yard sale participants.

**YARD SETBACK** - The minimum horizontal distance between any building and the property line.

**ZERO LOT LINE** - The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.

**ZONING CLEARANCE** - The issuance of a permit or authorization by the Zoning Inspector indicating that a proposed building, structure or use of land meets all of the standards, criteria, procedures and requirements contained in this Ordinance.

**ZONING DISTRICT** - Any portion of the area of the City in which the same Zoning regulations apply.

**ZONING INSPECTOR** - The Administrator or his duty authorized representative.